

# MEMBER UPDATE

## TAB Summary of Governor Abbott's Executive Order 3-31-2020

On March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA-14 relating to statewide continuity of essential services and activities during the COVID-19 disaster. The Order directs every person in Texas to minimize social gatherings and minimize in-person contact with people who are not in the same household, except “where necessary to provide or obtain essential services.” Those essential services include the US Department of Homeland Security—Cybersecurity and Infrastructure Security Agency’s list of essential critical infrastructure workers, version 2.0 dated March 28, 2020 (CISA Version 2.0), plus religious services conducted in churches, congregations, and houses of worship. Please note that other essential services may be added by the Texas Division of Emergency Management.

Governor Abbott’s Order GA-14 specifically states that it supersedes any conflicting local order if that local order restricts essential services allowed by Order GA-14 or allows gatherings prohibited by the Order. Essential services under that Order include the list of essential critical infrastructure workers under CISA Version 2.0, including but not limited to:

- Workers supporting the construction of housing, including those supporting government functions related to the building and development process, such as inspections, permitting and plan review services that can be modified to protect the public health, but fundamentally should continue and serve the construction of housing (e.g., allow qualified private third-party inspections in case of government shutdown);
- Workers performing housing construction related activities to ensure additional units can be made available to combat the nation’s existing housing supply shortage;
- Workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions;
- Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors - with reduced staff to ensure continued operations;
- Workers such as plumbers, electricians, exterminators, builders, contractors, HVAC Technicians, landscapers, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences,

businesses and buildings such as hospitals, senior living facilities, any temporary construction required to support COVID-19 response;

- Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment;

- Workers to ensure continuity of building functions, including but not limited to security and environmental controls (e.g., HVAC), the manufacturing and distribution of the products required for these functions, and the permits and inspections for construction supporting essential infrastructure;

- Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions;

- Residential and commercial real estate services, including settlement services;

- Workers who are needed to provide, process and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; consumer and commercial lending; and capital markets activities;

- Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services;

- Workers who are needed to provide business, commercial, and consumer access to bank and non-bank financial services and lending services, including ATMs, lending and money transmission, and to move currency, checks, securities, and payments (e.g., armored cash carriers);

- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste, including landfill operations; and

- Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, and supply chain and COVID 19 relief efforts.

Counties and municipalities with orders prohibiting workers who are engaged in activities identified in CISA Version 2.0 appear to be superseded by Executive Order GA-14, which takes effect at 12:01 a.m. on April 2, 2020; such order continues through April 30, 2020 and may be extended by order of the Governor.

It is particularly important to note that Governor Abbott's Executive Order GA-14 states that "in providing or obtaining essential services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible." As such, it is imperative that all workers in the essential services category follow all social distancing guidelines and best practices, as well as the OSHA COVID-19 Guidelines as applicable.

*\*\* Nothing in this communication is intended to be legal advice. As always, we urge the reader to seek the advice of legal counsel for any concerns or implications that may arise from this or any other governmental order.*