



County Judge Lina Hidalgo

DIRECTOR

**AMENDED ORDER OF COUNTY JUDGE LINA HIDALGO
Use of Face Coverings**

Whereas, on March 11, 2020, a Declaration of Local Disaster for Public Health Emergency was issued to allow Harris County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Harris County residents; and

Whereas, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

Whereas, on March 19, 2020, Governor Abbott issued the first Public Health Disaster Declaration released in the State of Texas since 1901 and an Executive Order which, among other things, prohibits Texans from gathering in groups of more than ten persons; and

Whereas, on March 24, 2020, the Harris County Judge issued a “Stay Home, Work Safe” Order prohibiting gatherings and providing that residents stay home other than to perform Essential Services as defined in Federal guidance. The Stay Home, Work Safe order provided that in performing or obtaining Essential Services, residents should follow Center for Disease Control and Prevention “CDC” guidelines on social distancing; and

Whereas, on March 31, 2020, Governor Abbott issued an Executive Order implementing Essential Services and Activities Protocols through April 30, 2020; and

Whereas, on April 4, 2020, the Harris County Judge issued an Order Amending and Extending the “Stay Home, Work Safe” Order; and

Whereas, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

Whereas, the Centers for Disease Control and Prevention (“CDC”) recommends an “All of Community” approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

Whereas, upon Declaration of a Local Disaster, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises in accordance with Section 418.108(g) of the Texas Government Code; and

Whereas, upon Declaration of a Local Disaster, a County Judge serves as her county’s emergency management director and as the Governor’s designated agent in the administration and supervision of duties under the Texas Disaster Act and is authorized to exercise all powers granted to the Governor on an appropriate scale under Section 418.1015 of the Act, including the authority to control the movement of persons and the occupancy of premises in accordance with Sections 418.1015 and 418.018 of the Texas Government Code; and

Whereas, on April 22, 2020, the Harris County Judge issued a “Use of Face Coverings” Order requiring, with some exceptions, all persons over the age of ten (10) to wear some form of face covering in public places; providing for a fine of up to \$1,000 for the violation of the Order; and authorizing Harris County law enforcement agencies to use their discretion in enforcing the Order; and

Whereas, on April 27, 2020, Governor Abbott issued Executive Order GA-18 which, among other things, provides that individuals “are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering”; and

Whereas, a County Judge, who serves as her county’s emergency management director and as the Governor’s designated agent in the administration and supervision of duties under the Texas Disaster Act, is charged with enforcing the Governor’s executive orders and imposing local restrictions that are consistent with the Governor’s executive orders; and

Whereas, the Harris County Judge has determined that the “Use of Face Coverings” Order must be amended to ensure that local restrictions implemented to protect the health and safety of Harris County residents during the COVID-19 pandemic also remain consistent with the Governor’s newly issued Executive Order GA-18; and

Whereas, given the ongoing evaluation of circumstances related to the COVID-19 virus, the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services, and the substantial risks posed by the COVID-19 virus to Harris County residents and their property, the following extraordinary measures shall be taken to mitigate the effects of

this public health emergency and to facilitate a response to the public health threat in order to protect the public's safety.

NOW THEREFORE, I, COUNTY JUDGE FOR HARRIS COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

SECTION 1. That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes.

SECTION 2. Face Covering Requirements

Because an infected person can transmit the COVID-19 virus to others before showing any symptoms, the covering of a person's nose and mouth is necessary to help slow the spread of the virus.

1. When leaving one's residence and when in a public place all persons over the age of ten (10) are encouraged to wear some form of face covering that covers the nose and mouth. The face covering may, for example, be a homemade mask, scarf, bandana, handkerchief and other cloth masks.
2. When outside their residences and in a public place, residents are encouraged to continue to maintain social distance of at least six feet.
3. All persons over the age of ten (10) are encouraged to wear a face covering that covers the nose and mouth except when:
 - a. Exercising outside or engaging in physical activity outside alone;
 - b. Alone in a separate single space, whether indoors or outdoors;
 - c. In the presence only of other members of one's residence, whether inside or outside the residence;
 - d. When doing so poses a greater mental or physical health risk, including exacerbating a pre-existing medical condition or including, but not limited to, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance;
 - e. When doing so poses a security or safety risk, such as impairing the ability to drive or to be inspected at a security checkpoint; or

- f. When eating or drinking
- 4. **IT IS STRONGLY RECOMMENDED THAT FACE COVERINGS NOT INCLUDE SURGICAL MASKS, SURGICAL N-95 RESPIRATORS OR OTHER MEDICAL MASKS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.** Healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks and other personal protective equipment.
- 5. **Wearing a face covering is not a substitute for maintaining 6-foot social distancing and hand washing because these remain important steps to slowing the spread of the virus.**
- 6. Residents should wash their hands before leaving the residence and upon return, and should take the following additional actions after leaving their residences:
 - a. Stay at least six feet away from others; and
 - b. Avoid touching the nose or face
- 7. It is recommended that residents not use disposable face coverings more than three times and it is further recommended that residents wash reusable cloth face coverings regularly to prevent the spread of the virus.
- 8. Individuals experiencing homelessness are exempt from this Order except that, to the extent individuals are using shared or outdoor spaces, they are encouraged, to the greatest extent feasible, to maintain social distancing of at least six feet from any other person. Individuals experiencing homelessness are strongly urged to obtain shelter. Governmental and other entities that can provide face coverings to homeless individuals are strongly urged to make face coverings available as soon as possible and to the maximum extent practicable (and to utilize social distancing requirements in their operations). Additionally, entities that provide assistance to the needy are urged to donate face coverings to the homeless and to homeless shelters.

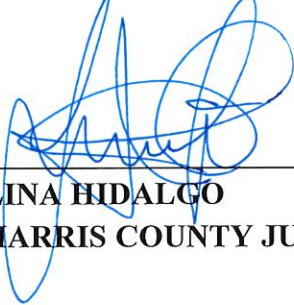
SECTION 3. The Harris County Judge will post this Order on the Internet. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure,

gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remainder of this Order.

This Order supersedes and amends the Order issued by the County Judge on April 22, 2020 concerning Use of Face Coverings, takes effect upon signing on April 28, 2020, and will continue through 11:59 p.m. on May 26, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law; and it is

ORDERED this 28th day of April 2020, in the County of Harris, Texas.

IT IS SO ORDERED



**LINA HIDALGO
HARRIS COUNTY JUDGE**