

Dallas County Stay at Home Order March 22, 2020

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On Sunday, March 22, 2020, Dallas County Judge Clay Jenkins issued a county-wide Amended Order effective 11:59 P.M., Monday, March 23, 2020, directing all individuals living in Dallas County to stay-at-home, except for certain essential activities, as further discussed below. The Amended Order issued by Judge Jenkins this evening is set forth at the following link: <https://www.dallascounty.org/Assets/uploads/docs/judge-jenkins/covid-19/03232020-AmendedOrder.pdf>.

The Order includes the following directives:

- All individuals currently living within Dallas County must shelter at their place of residence, **EXCEPT THAT INDIVIDUALS MAY LEAVE THEIR RESIDENCE FOR ESSENTIAL ACTIVITIES, OR TO PROVIDE OR PERFORM ESSENTIAL GOVERNMENT FUNCTIONS, OR TO OPERATE ESSENTIAL BUSINESSES.** All individuals using shared or outdoor spaces must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence.
- The Order further directs all businesses within Dallas County to cease all activities at facilities located within the County, **EXCEPT FOR ESSENTIAL BUSINESSES.** Businesses may continue operations consisting exclusively of employees or contractors working from home.
- THE ORDER PROHIBITS ANY PUBLIC OR PRIVATE GATHERINGS OF ANY NUMBER OF PEOPLE OUTSIDE A SINGLE HOUSEHOLD OR LIVING UNIT, EXCEPT AS OTHERWISE PERMITTED THEREIN.
- All elective medical, surgical, and dental procedures are prohibited anywhere in Dallas County.
- Residents of Dallas County are only permitted to leave their residence to perform Essential Activities (further defined in the Order), including activities essential to their health and safety, to obtain necessary services or supplies, to engage in outdoor activities (provided individuals comply with social distancing requirements of six feet), to perform work related to Essential Businesses or other activities permitted by the Order, and to care for a family member or pet in another household.
- The Order identifies 8 categories of Essential Businesses, listed below. **PLEASE NOTE THAT THE ORDER INCLUDES ADDITIONAL DETAIL ON EACH CATEGORY.**
- Essential Healthcare Operations: This includes many healthcare and veterinary operations, except for fitness and exercise gym operations, and except for providing elective medical, surgical and dental procedures.
- Essential Government Functions: This includes services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety, and welfare of the public. All such functions shall be performed in compliance with the social distancing requirements of six feet, to the extent possible.
- Essential Critical Infrastructure: This includes 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, 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. Businesses under this category should implement screening precautions to protect employees and all activities must be performed in compliance with the social distancing guidelines attached to the Order.

- Essential Retail: This includes (1) food service providers, food cultivation operations, and restaurants and other facilities that prepare and serve food, but only for delivery or carry out; (2) schools that provide free services to students or members of the public on a pick-up and take-away basis only; (3) laundromats, drycleaners, and laundry services; (4) gas stations, auto supply stores, hardware stores, and related facilities; and (5) businesses that supply products needed for people to work from home. Restaurants, microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.
- Providers of Basic Necessities to Economically Disadvantaged Populations
- Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses: This includes (1) trash and recycling services; (2) mail and shipping services; (3) building maintenance and cleaning services; (4) warehouses and distribution facilities; (5) funeral homes and related businesses; (6) plumbers, electricians, exterminators, and other service providers necessary to provide safety, sanitation, and essential operations of residences and Essential Businesses; (6) professional service providers when necessary to assist in compliance with legally mandated activities; and (7) businesses that supply other essential businesses with support and supplies.
- News Media
- Childcare Services
- The Order permits any manufacture who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators to apply for an “essential business” exemption under the Order.
- The Order suspends all delivery hour restrictions for the transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Dallas County for the next 60 days.
- The Order directs the Dallas County Justices of the Peace to suspend eviction hearings and writs of possession for at least the next 60 days to prevent renters from being displaced.
- The Order instructs nursing homes, retirement, and long-term care facilities to prohibit all non-essential visitors, unless to provide critical assistance or for end-of-life visitation.
- Public and private schools and institutions of higher education must provide a safety plan to the Dallas County Office of Homeland Security and Emergency Management 72 hours before students return to a classroom setting.

The DCHHS Social Distancing Recommendations are attached to the Order and referenced throughout the Order.

As I am sure you all can appreciate and understand, things are changing quickly and there is no clear-cut authority or bright line rules. This is not an unequivocal statement of the law, but instead represents our best interpretation of where things currently stand. This article does not address other potential impacts of the numerous other local, state and federal orders that have been issued in response to the Covid-19 pandemic, including, without limitation, potential liability should an employee become ill, requirements regarding family leave, sick pay and other issues.

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