

# LEON COUNTY SOCIAL DISTANCING ORDER

Many Leon County citizens have been diligently following President Trump's plea and the CDC's recommended guidelines during this public health disaster. I commend those of you who have been helping to make our community safer and aid in the quest to help flatten the curve of this pandemic, thereby ultimately allowing our medical and healthcare providers to be able to care for those who are most adversely affected by the virus

**WHEREAS**, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

**WHEREAS**, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

**WHEREAS**, Greg Abbott has issued numerous executive orders and suspensions of Texas laws in response to the COVID-19 disaster, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

**WHEREAS**, Governor Abbott issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

**WHEREAS**, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020; and

**WHEREAS**, DSHS Commissioner Dr. Hellerstedt and White House Coronavirus Response Coordinator Dr. Birx say that the spread of COVID-19 can be reduced by minimizing social gatherings; and

**WHEREAS**, on March 28, 2020, the U.S. Department of Homeland Security issued its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, which provides an advisory list of critical-infrastructure sectors, workers, and functions that should continue during the COVID-19 response; and

**WHEREAS**, all government entities and businesses should be allowed to continue providing essential services during the COVID-19 disaster, and all critical infrastructure should be allowed to remain operational; and

**WHEREAS**, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both.

**NOW, THEREFORE, BE IT ORDERED BY THE COUNTY JUDGE OF LEON COUNTY, TEXAS:**

In accordance with Governor Greg Abbott, Governor of Texas, by the Constitution and laws of the State of Texas, did order the following on a statewide basis effective 12:01 a.m. on April 2, 2020, and continuing through April 30, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and the White House Coronavirus Task Force:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas 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.

“Essential services” shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and in any approved additions. Requests for additions should be directed to TDEM at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov) or by visiting [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

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. In particular, all services should be provided through remote telework from home unless they are essential services that cannot be provided through remote telework. 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.

In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pickup, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order.

This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020.

### **Guidance for Houses of Worship During the COVID-19 Crisis**

During these challenging times, government and faith communities throughout Texas need to work together to stop the spread of Coronavirus. To facilitate this collaboration, State and local governments must clearly articulate their directives aimed at mitigating spread of the virus. This joint guidance from the Office of the Attorney General and the Office of the Governor responds to frequently asked questions by members of the faith community and is the official guidance regarding the effect of Executive Order GA 14 on religious services conducted in churches, congregations, and houses of worship.

**The government must give special consideration to houses of worship when issuing orders related to the COVID-19 crisis.**

The First Amendment to the United States Constitution and Article I of the Texas Constitution protect the right of Texans to freely exercise their religion. In addition, the Texas Religious Freedom Restoration Act (“RFRA”) provides even stronger protections to faith communities, and government must ensure that it complies with RFRA when it acts. Thus, when state or local governments issue orders prohibiting people from providing or obtaining certain services, they must ensure that these orders do not violate these constitutional and statutory rights.

**Houses of worship provide “essential services.”**

On March 31, 2020, Governor Abbott issued Executive Order GA 14, which defines essential services to include “religious services conducted in churches, congregations, and houses of worship.” Institutions providing these essential services can provide them under certain conditions described in Executive Order GA 14 and local orders by counties or municipalities that are consistent with GA 14. To the extent there is conflict between the Governor’s Executive Order GA 14 and local orders, GA 14 controls.

**Houses of worship must, whenever possible, conduct their activities from home or through remote audio or video services.**

Houses of worship often gather as large groups of people in one building during a religious service or activity. But during this public health crisis, in accordance with guidance from the White House, Centers for Disease Control and Prevention (“CDC”), and Texas Department of State Health Services (“Texas DSHS”), providers of essential services must follow certain mitigation strategies to slow the spread of the virus. Thus, under the Governor’s Executive Order GA 14, houses of worship should conduct remote audio, video, or teleconference activities whenever possible. If a house of worship cannot conduct its activities remotely, then the White House and CDC guidelines still control in order to stop the spread of Coronavirus.

If a house of worship cannot conduct its service remotely due to a lack of capability (technological or financial), then it should follow the Governor’s Executive Order GA 14, that houses of worship are to conduct their activities in accordance with the White House Guidelines.

For example:

- Instruct sick employees, volunteers, and guests to stay home;
- Practice social distancing by maintaining appropriate distance between people;
- Maintain good hygiene by washing your hands frequently, using hand sanitizer, using your elbow to cover coughs, and not touching your face; and

- Clean and disinfect work areas frequently.
- Houses of worship, like providers of other essential services, are to follow additional guidance from the White House and CDC whenever possible.

**Some houses of worship must avoid large gatherings.**

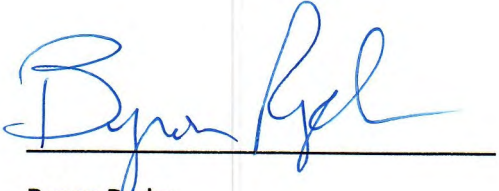
Texas is a big state and the transmission rate of COVID-19 varies in different communities. Given this, houses of worship should work with counties and municipalities to evaluate the rate of local community spread and determine the appropriate level of mitigation strategies to implement. For example, more detailed guidance from the CDC currently recommends that if a community is experiencing substantial community spread of COVID-19, then the houses of worship in that community should cancel all in-person gatherings of any size. But if a community is experiencing moderate to substantial spread, then the CDC recommends a reduction of activities in coordination with local health officials, possible smaller gatherings incorporating social-distancing measures, cancellation of activities with 10 or more people when high-risk populations attend in person (including those over 65 and those with underlying medical conditions), and use of creative means to deliver other faith-based services. For more information, houses of worship should consult CDC guidance.

For example, a church may hold Easter services in its parking lot, with attendees remaining in their cars (windows down), parked in every other parking spot, with the minister using amplification to preach or chairs can be used outside the car by a family unit as long as they practice social distancing of 6 feet apart from other family units. Because Executive Order GA 14 permits drive-thru' s to operate, then a house of worship may, according to their faith practices, provide communion or a blessing through a similar drive-up service. Or pastors with smaller congregations may consider conducting multiple services of 10 people or fewer in their sanctuaries, so long as they maintain appropriate social distancing, properly sanitize the building between each service, and provide hand sanitizer.

**These restrictions do not violate the religious liberty of houses of worship.**

Under the extraordinary circumstances in which we temporarily live, these restrictions do not violate the religious liberty of houses of worship because the government has a compelling interest for implementing the rules (stopping contagion) and the rules are the least restrictive means of burdening religious practice (they allow houses of worship to stay open for ministry, but suggest ways that help stop the spread of COVID-19).

**ORDERED THIS 06<sup>TH</sup> DAY OF April 2020**



**Byron Ryder  
Leon County Judge**