

Dallas County Issues A Shelter-In-Place Order. Now What?

March 23, 2020

(Last updated March 23, 2020)

On March 12, 2020, Dallas County Judge Clay Jenkins issued a Declaration of Local Disaster for Public Health Emergency due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19. On the same day and in relation to the referenced declaration, Judge Jenkins issued an Order to “protect the safety and welfare of the public by slowing the spread of the virus.”

On March 22, 2020, Judge Jenkins issued an Amended Order entitled “Stay Home Stay Safe” which amounts to a shelter-in-place order for Dallas County effective as of 11:59 p.m. on March 23, 2020 until 11:59 p.m. on April 3, 2020, unless rescinded, superseded or amended. A full copy of the Amended Order is [linked here](#).

So, what does this mean for Dallas County residents and businesses?

First, all residents living in Dallas County are ordered to shelter at their place of residence (with residences including hotels, motels, shared rentals, and similar facilities) and that they should not leave their residences except for “Essential Activities.” Essential Activities are defined to include acts such as obtaining medical supplies, medication and food, visiting a healthcare professional, obtaining supplies needed to work from home, obtaining (or delivering to others) other products necessary to maintain the safety, sanitation, and essential operation of residences, engaging in outdoor activities compliant with the social distancing requirements of six feet (for example, walking, biking, hiking or running), performing work providing essential products and services at an Essential Business (described below), and caring for a family member or pet in another household.

Additionally, and of equal importance, all businesses in Dallas County, except for Essential Businesses, are ordered to “cease all activities” at facilities located within the County, with the Amended Order clarifying that businesses in the County may continue operations “consisting exclusively of employees or contractors performing activities at their own residences.” Essential Businesses include the following general classifications:

(1) Essential Healthcare Operations – Healthcare operations, interpreted broadly, are to continue (for obvious reasons) and include broad classifications of medical, dental pharmaceutical and veterinary services, but expressly exclude fitness and exercise gyms and similar facilities, as well as elective medical, surgical and dental procedures.

(2) Essential Government Functions – All 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.

(3) Essential Critical Infrastructure – Work “necessary to the operations and maintenance” of 16 critical sectors including (1) public works construction, (2) residential and commercial construction, (3) airport operations, (4) water, (5) sewer, (6) gas, (7) electrical, (8) oil refining, (9) roads and highways, (10) public transportation, (11) solid waste collection and removal, (12) internet; (13) telecommunications systems, (14) financial institutions, (15) defense and national security and (16) essential manufacturing.

(4) Essential Retail – Food supply chain businesses (including production, processing, transportation and distribution), laundromats, dry cleaners, gas stations, auto supply, auto and bicycle repair, hardware stores and businesses that supply products for people to work from home.

(5) Providers of Basic Necessities to Economically Disadvantaged Populations – Self-explanatory.

(6) Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses – Trash services, mail and shipping, building cleaning and maintenance, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes and cemeteries, trades necessary for safety, sanitation and essential operations of residences and Essential Businesses, professional services when necessary to assist with legally mandated activities.

(7) News Media – Self-explanatory.

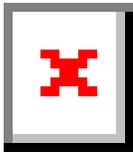
(8) Childcare Services – for children of employees of Essential Businesses who need to work away from home.

Notwithstanding a designation as an “Essential Business,” employers should ensure that all employees and contractors who can work from home do so. Additionally, all Essential Businesses must still practice social distancing to the extent possible and establish screening procedures for employees to ensure that sick employees do not report for work.

A few additional takeaways from the Amended Order: (i) eviction hearings and writs of possession in the County are suspended for at least the next 60 days; (ii) if someone in a residence has tested positive for coronavirus, the entire household must isolate at home and residents of that household may not go to work, school, or any other community function; (iii) religious services are to be online only; (iv) restaurants, microbreweries, micro-distilleries and wineries may only provide take out, delivery or drive-through services, and (v) except as otherwise expressly permitted by the Amended Order, all public or private gatherings of any number of people other than within a single household or living unit by members of such household or unit are prohibited. One final note, at his press

conference on the Amended Order, Judge Jenkins made clear that employment by a resident of Dallas County by an out-of-county non-Essential Business does not excuse such resident from the shelter in place order and that they are prohibited from traveling to such out-of-county employment.

We will continue to monitor developments in Dallas County as well as other surrounding counties and will provide updated alerts as applicable.



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