

Tarrant County Issues Its Version Of A Shelter-In-Place Order. What You Need To Know.

March 24, 2020

(Last updated March 24, 2020)

As a follow-up to its Declaration of Local Disaster due to Public Health Emergency issued on March 13, 2020 (as updated and amended on March 17th, 18th, and 21st), Tarrant County Judge B. Glen Whitley issued Tarrant County's shelter-in-place order on March 24, 2020 (the "Order"). The Order has been referred to as the "Stay Home, Work Safe" order and is effective as of 11:59 p.m. on March 24, 2020 until 11:59 p.m. on April 7, 2020, unless rescinded, superseded or amended. A full copy of the Order is [linked here](#).

So, what does this new Order mean for Tarrant County residents and businesses and how does it compare to the somewhat similar order issued in Dallas County effective March 23, 2020 at 11:59 p.m. (the "Dallas Order")?

The Tarrant County Order is similar in many respects as the Dallas Order in that it requires all Tarrant County residents to stay at their place of residence except as allowed by the Order, but it also provides additional clarifications and includes additional business types in the definition of "Essential Businesses" and allows non-Essential Businesses to continue to have employees perform Minimum Basic Operations (described below).

Activities

Under the Order, the reasons that residents of Tarrant County can leave their homes include Essential Travel, Essential Activities, to work in Essential Businesses, Government Service, Essential Critical Infrastructure, or to perform Minimum Basic Operations.

Essential Travel – generally includes (i) travel related to other permitted functions under the Order (e.g. traveling to permitted work, necessary medical-related travel, grocery trips); (ii) travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons); (iii) travel to and from educational facilities for the purpose of receiving materials for distance learning and to receive meals (as applicable); (iv) travel to return to a residence in Tarrant County and travel to leave Tarrant County to return to a residence outside of Tarrant County; (v) travel required by law or court order; (vi) travel by clergy providing religious services and other ministries; and (vii) travel related to funerals.

Essential Activities – The Tarrant County Order is generally consistent with the Dallas Order in its definition of "Essential Activities," which includes activities necessary for health and safety of family or household members

(including seeking medical care, medication, medical supplies or supplies needed to work from home), obtaining necessary services or supplies such as food, pet and livestock supplies, and other household consumer products, engaging in outdoor exercise activity in compliance with social distancing standards, performing work providing essential products and services at an Essential Business and to care for a family member or pet in another household.

Essential Businesses – The Order is also generally consistent with the Dallas Order’s definition of Essential Businesses. For the sake of brevity, we don’t reiterate the listing of all Essential Businesses here ([our Dallas County Client Alert can be found here](#)), but the following is a listing of the additional categories of businesses added to Tarrant County’s definition: (i) the definition of Financial Services was broadened to include consumer lenders, alternative financial services companies, appraisers and title companies; (ii) real estate transactions (but as much as can be done remotely through technology should be); (iii) animal shelters, zoos and related facilities (no visitors are permitted but staff can be there to care for animals); (iv) funeral services (but no more than 10 non-employees may attend); (v) construction under valid permits; (vi) moving services and moving supplies. 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.

Minimum Basic Operations – One key (and useful) additional designation in the Tarrant County Order which was not included in the Dallas Order is that of permissive Minimum Basic Operations. The Dallas Order created a dilemma for non-Essential Businesses and raised questions as to whether skeleton crews of employees were permitted to enter Dallas County non-Essential Businesses to perform critical functions. The Order in Tarrant County, in contrast, is clear that businesses can, provided that social distancing is observed, have employees enter the business to perform the minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, facilitate online or call-in sales (provided that the business is closed to the public), in-store repairs (provided the store is closed to the public), and to undertake necessary tasks (such as IT) to enable the majority of employees to be able to work remotely from their residences.

A few additional items set forth in the Tarrant County Order include: (i) a prohibition against price gouging (defined as charging more for something than the seller charged on March 16, 2020); (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. Notably, the Tarrant County Order (unlike the Dallas Order) did not establish a moratorium on eviction proceedings.

We will continue to monitor developments in the DFW Metroplex and will provide updated alerts as applicable.