

**FOURTH AMENDED ORDER PROHIBITING CERTAIN LARGE GATHERINGS AND
EVENTS AND REOPENING AND IMPOSING TEMPORARY RESTRICTIONS ON
CERTAIN BUSINESSES AND CITY PREMISES
BY THE MAYOR OF THE CITY OF HOUSTON**

WHEREAS, on March 11, 2020, the Mayor of the City of Houston, pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code Annotated, Chapter 418, (the “Texas Disaster Act”) issued a proclamation declaring a local state of disaster for a public health emergency for the City of Houston resulting from the imminent threat to the public health and the potential for loss of life and property of people and communities of the City caused by the introduction, transmission, or spread (or imminent threat of the same) of the disease known as “coronavirus disease 2019” (“COVID-19”); and

WHEREAS, on March 17, 2020, the City Council of the City of Houston approved an ordinance authorizing the continuation of the local state of disaster for a public health emergency; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) warned that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; schools, childcare centers, workplaces, and other places for mass gatherings may experience more absenteeism; public health and healthcare systems may become overloaded with elevated rates of hospitalizations and deaths; other critical infrastructure, such as law enforcement, emergency medical services, and transportation industry may also be affected; and health care providers and hospitals may be overwhelmed; and

WHEREAS, the President’s Coronavirus Guidelines for America, issued on March 16, 2020, state that social gatherings in groups of more than 10 people should be avoided; and

WHEREAS, on or about April 3, 2020, the CDC recommended “wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) especially in areas of significant community-based transmission;” and

WHEREAS, as of June 17, 2020, approximately 10,507 persons in the City of Houston have tested positive for COVID-19 and it is anticipated that the number of persons diagnosed with the virus is likely to increase, as testing for the virus continues; and

WHEREAS, the City and the City of Houston’s Local Health Authority are taking steps to ensure the spread of COVID-19 is contained, the community is kept safe, and the exposure risk is minimized; and

WHEREAS, Section 418.108 of the Texas Disaster Act authorizes the mayor of a municipality to, among other things, control ingress to and egress from a disaster area under the

mayor's jurisdiction and to control the movement of persons and the occupancy of persons in that area; and

WHEREAS, I, the Mayor of the City of Houston have determined that additional proactive measures, including enhanced community mitigation, must be taken to respond to and slow the potential introduction, transmission, or spread (or imminent threat of the same) of COVID-19 in the City of Houston; and

WHEREAS, on March 19, 2020, I signed an order prohibiting certain large gatherings and events and imposing temporary restrictions on bars, food establishments, and certain city premises; and

WHEREAS, on March 31, 2020, I signed an amended order extending the prohibition of certain large gatherings and events and imposing temporary restrictions on bars, food establishments, and certain city premises through April 30, 2020 and signed a second and third amendment on or about April 29, 2020, and June 23, 2020, respectively; and

WHEREAS, the Governor of the State of Texas has issued multiple orders regarding occupancy and operational restrictions on open or reopened businesses in Houston, Texas and elsewhere;

NOW THEREFORE, I, MAYOR OF THE CITY OF HOUSTON, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY AMEND MY PRIOR ORDERS AS FOLLOWS:

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 and made a part hereof for all purposes.

Section 1. The City of Houston hereby adopts the provisions of Executive Order No. GA-28 issued by the Governor of the State of Texas on June 26, 2020. The provisions of Executive Order No. GA-28 are hereby incorporated by reference in this Order as if written word for word. Any amendments to or successor orders of Executive Order GA-28 made by the Governor shall also constitute and be deemed to be an amendment to the relevant provisions of this Order.

Section 2. Parades, festivals, gatherings, and meetings sponsored, produced and permitted by the City are hereby cancelled for the duration of this Order unless otherwise authorized by the Mayor.

Section 3. Except for the exemptions below, all people 10 years or older shall wear a face covering over their nose and mouth when in a commercial entity or working in areas in a commercial entity that involve close proximity with others. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a

handkerchief. City of Houston residents should continue to maintain social distancing of at least six feet while outside the home.

IT IS STRONGLY RECOMMENDED THAT PEOPLE NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment. Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside;
- While driving alone or with passengers who are part of the same household as the driver;
- When doing so poses a greater mental or physical health, safety, or security risk;
- While pumping gas or operating outdoor equipment;
- While in a building or activity that requires security surveillance or screening, for example, banks; or
- When consuming food or drink.

Please note that face coverings are a secondary strategy to other mitigation efforts. **Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick.** All people should follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return;
- staying at least six feet away from others;
- avoiding touching nose or face;
- not using disposable masks more than three times; and
- washing reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Order GA-28 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

Section 4. From the date of this Order, all commercial entities in the City of Houston providing goods or services directly to the public must develop, post, and implement a health and safety policy ("Health and Safety Policy"). The Health and Safety Policy must require, at a minimum, that all employees or visitors to the commercial entity's business premises or other facilities wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public. The Health and Safety Policy required to be developed and implemented by this Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19, such as those included in the Harris County Public Health Guidance document "Business Guidance For Mitigating the Spread" posted on ReadyHarris.org. **Commercial entities must post the health and safety policy required by this Order in this paragraph in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements.** Failure to develop and implement the Health and Safety Policy required by this Executive Order within five (5) calendar days following the Effective Date may result in a fine specified below for each violation.

Section 5. This Order does not alter any of the obligations under law of any employer affected by this Order to its employees or to the employees of another.

Section 6. The owner, manager, operator, or other person having control of or in charge of a business subject to this Order shall conspicuously post a copy of this Order onsite such that the Order is visible to the users of the facility or the public.

Section 7. To the extent that Executive Order No. GA-28 is being enforced and constitutes the basis of enforcement, the penalties as stated in Executive Order No. GA 28 and any applicable law shall apply to any violation of any provision of Executive Order No. GA-28.

Section 8. To the extent that this Order is being enforced and constitutes the basis of enforcement, unless a different penalty is provided elsewhere in the Houston Code of Ordinances, violation of any provision of this ORDER is a misdemeanor offense punishable under Section 13-6 of the Houston Code of Ordinances which provides for a fine not less than \$200 nor more than \$2,000. Each day a violation continues constitutes a separate offense.

Section 9. All persons are directed to comply with this Order and to comply with the lawful direction of all persons authorized to enforce this Order under Chapter 13-7 of the City of Houston Code of Ordinances.

Section 10. 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 this Order.

Section 11. Unless otherwise amended by the Mayor of the City of Houston, the duration of this Order shall be coterminous with Executive Order No. GA-28 or any amendment or successor order thereof issued by the Governor of the State of Texas and shall be construed to and interpreted to be consistent with all such orders issued by the Governor.

Section 12. In accordance with the Texas Disaster Act, this fourth amended declaration shall take effect upon signing.

SO DECLARED AND ORDERED this the 29th day of June, 2020.

Approved as to Form

DocuSigned by:
Ronald C. Lewis
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Ronald C. Lewis
City Attorney

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Sylvester Turner
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Sylvester Turner
Mayor, City of Houston

ATTEST/SEAL:

DocuSigned by:
Patricia Osuna
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Interim City Secretary

