



County Judge Lina Hidalgo
D I R E C T O R

**ORDER BY THE COUNTY JUDGE OF HARRIS COUNTY
(Temporarily controlling the occupancy of a premises)**

Whereas, on March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to allow Harris County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Harris County residents in accordance with Section 418.108(a) of the Texas Government Code; and

Whereas, on March 13, 2020, Governor Greg Abbott issued a Declaration of State of Disaster to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans in accordance with Section 418.014 of the Texas Government Code; and

Whereas, on March 13, 2020, the Texas Supreme Court and the Texas Court of Criminal Appeals issued their First Emergency Order regarding the COVID-19 State of Disaster, which provides the following directives to Texas courts to avoid exposing court proceedings to the threat of COVID-19 (until May 8, 2020, unless extended by the Chief Justice of the Supreme Court):

“Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public—without a participant’s consent:

- a. Modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than 30 days after the Governor’s state of disaster has been lifted...

- f. Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.”; and

Whereas, in March 2020, the US Centers for Disease Control issued guidance as to individuals, recommending that individuals practice social or physical distancing to prevent the spread of COVID-19 by staying at least 6 feet from other people, by refraining from gathering in groups, by staying out of crowded places and by avoiding mass gatherings; and

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COUNTY CLERK
HARRIS COUNTY TEXAS

Whereas, on March 15, 2020, the US Centers for Disease Control issued guidance as to large events, explaining that larger gatherings (for example, more than 250 people) offer more opportunities for person-to-person contact and therefore pose a greater risk of COVID-19 transmission and community spread; counseling that based upon what is currently known about the virus, spread from person-to-person happens most frequently among close contacts (within 6 feet); and urging organizers to continually assess whether to postpone, cancel, or significantly reduce (if possible) the number of attendees at larger gatherings; and

Whereas, on March 17, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to March 25, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on March 19, 2020, Governor Abbott issued the first Public Health Disaster Declaration released in the State of Texas since 1901 and an Executive Order which, among other things, prohibits Texans from gathering in groups of more than ten persons; and

Whereas, on March 24, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to April 29, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on March 24, 2020, the Harris County Judge issued a "Stay Home, Work Safe" Order prohibiting gatherings and providing that residents stay home other than to perform Essential Services as defined in Federal guidance. The Stay Home, Work Safe order provided that in performing or obtaining Essential Services, residents should follow Center for Disease Control and Prevention "CDC" guidelines on social distancing; and

Whereas, on March 31, 2020, Governor Abbot issued Executive Order GA-14 implementing Essential Services and Activities Protocols through April 30, 2020 and expanding the social-distancing restrictions and other obligations for Texans that are aimed at slowing the spread of COVID-19, including limiting social gatherings and in-person contact with people other than those in the same household; and

Whereas, on April 3, 2020, the Harris County Judge extended the Stay Home, Work Safe Order effective April 4, 2020 through April 30, 2020; and

Whereas, on April 17, 2020, Governor Abbot issued Executive Order GA-16 to replace Executive Order GA-14, and included the same social-distancing restrictions and other obligations for Texans according to federal guidelines that are aimed at slowing the spread of COVID-19; and

Whereas, on April 27, 2020, Governor Abbott issued Executive Order GA-18 to replace Executive Order GA-16, and providing among other things, that every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household 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; and

Whereas, on April 28, 2020, the Texas Supreme Court issued its Twelfth Emergency Order regarding the COVID-19 State of Disaster, which provides, in part, that “[s]ubject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public—without a participant’s consent: ... modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, specifically including those in Section 263.401 of the Family Code and in all proceedings under Subtitle E, Title 5, of the Family Code, for a stated period ending no later than 30 days after the Governor’s state of disaster has been lifted ...”; and

Governor Abbott issued Executive Order GA-18 to replace Executive Order GA-16, and providing among other things, that every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household 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; and

Whereas, on April 28, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to May 20, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on April 28, 2020, the Harris County Judge issued an Amended Order regarding the Use of Face Covering which, among other things, encourages individuals to continue to maintain social distance of at least six feet when outside their residences and in a public place; and

Whereas, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

Whereas, a County Judge acts as the emergency management director for the county and services as the Governor’s designated agent in the administration and supervision of duties during a state of emergency declared by the Governor in accordance with Section 418.1015(a) and (b) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor’s designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, “may exercise the powers granted to the governor under this chapter on an appropriate local scale” in accordance with Section 418.1015(b) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor’s designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, may use state or federal resources without prior authorization from the division or the state or federal agency having responsibility for those resources in accordance with Section 418.1015(d) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor’s designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, is authorized to control ingress to and egress from a disaster area and control the movement of

persons and the occupancy of premises on an appropriate local scale in accordance with Sections 418.1015 and 418.018 of the Texas Government Code; and

Whereas, upon Declaration of a Local Disaster, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises in accordance with Section 418.108(g) of the Texas Government Code; and

Whereas, pursuant to Section 51.002 of the Texas Property Code, a sale of real property under a power of sale conferred by a deed of trust or other contract lien must be a public sale at auction held between 10 a.m. and 4 p.m. of the first Tuesday of a month at a place designated by Commissioners Court; and

Whereas, pursuant to Section 34.01 of the Texas Property Tax Code, real property ordered sold pursuant to foreclosure of a tax lien shall be sold in the manner similar property is sold under execution; and

Whereas, pursuant to Section 34.041 of the Texas Civil Practice and Remedies Code, a sale of real property that is required by court order or other law must take place between 10 a.m. and 4 p.m. on the first Tuesday of a month at a place designated by Commissioners Court; and

Whereas, Commissioners Court has designated the Bayou City Event Center at 9401 Knight Road, Houston Texas 77045 as the place for the sales described herein to occur; and

Whereas, May 5 is the first Tuesday of the month and the sales described herein are conducted by numerous parties who each send one or more representatives or employees to the sale, and attract hundreds of attendees who stand in close proximity to other attendees to participate in the sale; and

Whereas, it would be impossible to conduct the sales described herein in accordance with federal, state, and local executive orders and guidance on social distancing.

NOW THEREFORE, I, COUNTY JUDGE FOR HARRIS COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

SECTION 1. 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 by the County Judge and made a part hereof for all purposes.

SECTION 2. That the Bayou City Event Center at 9401 Knight Road, Houston Texas 77045 may not be accessed by the public on May 5, 2020.

SECTION 3. That the actions required by this Order are undertaken in deference to Governor Abbott's Executive Order GA-18 and are intended to be consistent with Executive Order GA-18 in all respects.

SECTION 4. This Order takes effect at 8:00 a.m. on May 5, 2020, and will continue in effect until 5:00 p.m. May 5, 2020, unless terminated or modified by an earlier or subsequent order.

SECTION 5. The Harris County Judge will file this Order with the Harris County Clerk's Office.

SECTION 6. The Harris County Judge will post this Order on the Internet. 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 the remainder of this Order.

ORDERED This, the 30th day of April, 2020, in the County of Harris, Texas.

IT IS SO ORDERED



LINA HIDALGO
HARRIS COUNTY JUDGE