

GA 34 COVID-19 Executive Order March 2, 2021

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In a widely publicized move, Governor Abbott adopted Executive Order GA 34 on March 2, 2021, which takes effect on March 10, 2021, lifting the state-wide occupancy limits and mask mandate related to the COVID-19 pandemic. How does this affect community associations?

A summary of Executive Order GA 34 is as follows:

Governor Abbott has withdrawn his statewide mask mandate. Effective at 12:01 AM on March 10, 2021, there are no state level COVID-19-related operating limits for any business or other establishment. While face coverings are encouraged if social distancing is not feasible, no person may be required by any jurisdiction to wear or mandate the wearing of a face covering.

There is an exception to the lifting of the occupancy requirements and face covering mandate for an "area with high hospitalizations" which means any Trauma Service Area that has had seven consecutive days in which the number of COVID-19 hospitalized patients, as a percentage of total hospital capacity, exceeds 15%, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients, as a percentage of total hospital capacity, is 15% or less. A current list of areas with high hospitalizations will be maintained at www.dshs.texas.gov/ga3031.

In an area with high hospitalizations, the County Judge **may** impose COVID-19 restrictions; however, business and other establishments may not be required to operate at less than 50% of total occupancy, with no operating limits allowed to be imposed for religious services (including those conducted in churches, congregations, and houses of worship), public and private schools and institutions of higher education, and child-care services.

Businesses and other private establishments **may** require employees or customers to follow additional hygiene measures, including the wearing of a face covering.

Orders GA-10 (requiring hospitals to submit daily reports) and GA-13 (dealing with jail release) remain in effect.

What About the CDC?

The Centers for Disease Control ("CDC") has not changed its recommendations for social distancing, wearing face coverings, or frequent sanitizing of high touch surfaces.

What Does GA 34 Mean for Community Associations?

Many COVID-19 rules and policies that were adopted by community associations over the past year included occupancy restrictions which were tied to state and local government occupancy limits. Therefore, all policies should now be reviewed and, to the extent there is no occupancy limit absent state or local orders to that effect, associations may consider imposing an occupancy restriction that would limit the number of occupants to the maximum at which facility users are physically able to exercise social distancing (maintaining at least 6 feet distance from others not in their household pod).

Although the State of Texas is no longer mandating mask wearing, associations have the right to continue to require face coverings, or to adopt rules to that effect now. Some mask wearing policies adopted over the past year were, like the occupancy limits, tied to state or local restrictions. As the state-wide requirement to wear a mask is now lifted, if an association desires to continue to require masks, an amendment to the rules may be necessary. If you have a community in which some residents are opposed to wearing face coverings, but others feel face coverings are necessary for their personal health and safety, the community may consider adopting facility use guidelines requiring masks during certain hours and permitting use by those who do not wish to wear masks during other hours.

Associations should keep in place the sanitizing protocols that they previously implemented, as the recommendations from the CDC in that regard have not changed.

At this time, associations should not make inquiry into the vaccination status of individuals, and should treat vaccinated and unvaccinated residents equally.

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