

**AMENDED ORDER MANDATING CLOSURE OF SHORT-TERM
RENTAL FACILITIES
IN THE CITY OF GALVESTON ISSUED BY
THE MAYOR OF GALVESTON**

WHEREAS, the City of Galveston, Texas has declared a state of emergency in accordance with Texas Government Code Chapter 418 due to the Coronavirus/COVID 19; and

WHEREAS, information issued by the Federal Center for Disease Control and the Texas Department of Health Services related to the Coronavirus have stressed undertaking steps to control the spread of the virus; and

WHEREAS, those entities have urged that the failure to take steps to diminish the spread of the virus will result in the overwhelming of the health care system in this area with a concomitant increase of mortality; and

WHEREAS, the Galveston County Health District has confirmed the presence of Corona virus in Galveston County caused by community spread with a growing number of confirmed cases in Galveston County every day and more being contemplated; and

WHEREAS, the present emphasis is the control of community spread of the virus by limiting the number of citizens who are present in a given area; and

WHEREAS, community control slowing the spread of the virus includes restricting vehicular traffic on certain beaches to limit the number of citizens who might spread the virus; and

WHEREAS, short term rental locations, which provide rental of residential premises to third parties for periods of thirty days or less, in the City have been closed pursuant to the Emergency Order signed by Mayor on March 24, 2020 but further restrictions are required to enforce that Order; and

WHEREAS, it appears the implementation of control measures to control the community spread of the virus by imposing additions restrictions on short term rentals in the City of Galveston is appropriate.

NOW THEREFORE, BE IT DECLARED BY THE MAYOR OF THE CITY OF GALVESTON, TEXAS, THAT:

SECTION 1. 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 Mayor and made a part hereof for all purposes.

SECTION 2. For purposes of this Order a "short-term rental" shall be defined as the leasing of a premises for the purpose of occupancy to an individual or individuals with a where the duration of the lease is for thirty days or less.

SECTION 3. The operation of short term rental units in the City of Galveston is ordered to be and is prohibited effective on entry of this Order.

SECTION 4. For the purposes of this Order, the term “agent or broker” shall include any person, business, or entity who lease short term rental units on behalf of the owner or person in possession or control of the premises being leased.

SECTION 5. It shall be unlawful for the owner of a short-term rental to lease the unit to an individual or individuals. Each such rental shall constitute a separate offense. Each day of occupancy shall constitute a separate offense. This prohibition goes into effect immediately upon entry of this Order.

SECTION 6. It shall be unlawful for the agent or broker of a short-term rental to lease the unit to an individual or individuals. Each such rental shall constitute a separate offense. Each day of occupancy shall constitute a separate offense. The leasing of a short-term rental by an agent or broker does not relieve the owner of liability under this Order. This prohibition goes into effect immediately upon entry of this Order.

SECTION 7. It shall be unlawful for the an individual or individuals to occupy a short-term rental unit in the City of Galveston. Each occupant of the unit shall be subject to enforcement of this Order. Each day of occupancy shall constitute a separate offense. This prohibition goes into effect immediately upon entry of this Order.

SECTION 8. Nothing in this Order shall prohibit the leasing of premises for a period in excess of thirty days; however, the occupancy of a unit shall be presumed to be for thirty days or less unless documentation is produced upon demand by an official enforcing this Order in the form of a fully executed lease renting the premises for a period in excess of thirty days with proof of payment of all deposits and rental payment required in the lease.

SECTION 9. Individuals occupying in a short-term rental in the City of Galveston are ordered to vacate the premises immediately upon entry of this Order.

SECTION 10. Nothing in this Order shall prohibit admission of an individual to a short-term rental pursuant to a contract entered into directly by the owner or agent with an agency of the federal or state government to house persons deemed essential by the governmental entity or military personnel. A copy of the rental agreement executed by the owner and agency shall be produced upon demand of an official enforcing this Order.

SECTION 11. Nothing in this Order shall prohibit admission of an individual to a short-term rental pursuant to a contract entered into directly between the owner or agent and the County of Galveston or the City of Galveston to house persons deemed essential by those entities. A copy of the rental agreement executed by the owner or agent and the County or City shall be produced upon demand of an official enforcing this Order.

SECTION 12. Nothing in this Order shall prohibit admission of an individual to a short-term rental pursuant to a contract entered into a person engaged in an essential service as defined in the attached Exhibit A.

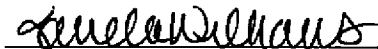
SECTION 13. Any person who shall violate any provision of this Order shall be deemed guilty of a Class C misdemeanor and upon conviction shall be fined in a penalty sum as allowed by law.

SECTION 14. In accordance with the Texas Disaster Act, this order shall take effect immediately at 5:00 p.m. on March 27, 2020 and shall terminate seven days from the entry of this Order or until further Order of the City.

SO DECLARED AND ORDERED, at 4:00 p.m. on this 27th day of March 2020.


JAMES D. YARBROUGH
MAYOR, CITY OF GALVESTON

ATTEST:


City Secretary

APPROVED AS TO FORM


DONALD S. GLYWASKY
CITY ATTORNEY



EXHIBIT A

The following are defined as essential services for the purpose of this Order on the condition the services are performed on or from the City of Galveston:

- 1) **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include 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. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Government Functions." All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
- 3) **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached.
- 4) **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores, farmers' markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically

provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto-supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.

- 5) Providers of Basic Necessities to Economically Disadvantaged Populations. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- 6) Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with the support of supplies needed to operate.
- 7) News Media. Newspapers, television, radio, and other media services.
- 8) Childcare Services. Childcare facilities providing services that enable employees exempted in this Order to work as permitted.