

March 24, 2020

The Honorable Greg Abbott
Governor of Texas
P.O. Box 12428
Austin, TX 78711

Governor Abbott,

We the undersigned represent a broad coalition of organizations dedicated to residential and commercial building industries, from every facet of the construction supply chain all the way to the financing and titling needed to close a real estate transaction. We commend you for your continued perseverance in the face of the Coronavirus/COVID-19 pandemic. You and your team have displayed much-needed leadership and assurance in a time of great uncertainty and have clearly demonstrated the health and well-being of all Texans is your priority.

Texas counties and cities have been doing their best to meet the needs of their communities during this crisis, and we applaud their hard work. Unfortunately, as local emergency orders have been issued in recent days, it has not always been explicit in those orders which, if any, aspects of the real estate industry and related services may continue to function.

As circumstances change by the hour, it is swiftly becoming clear that the entire State of Texas will benefit from executive guidance regarding “Shelter in Place” (or “Stay at Home”). **We respectfully request that you consider issuing an executive statement to create consistency and clearly declare what services and operations are considered “essential” during this crisis.**

The Cybersecurity and Infrastructure Security Agency (CISA) guidelines offer a solid foundation to define what industries are critical to our communities, and we are gratified to see many local orders referencing those guidelines.

However, those guidelines are not completely clear with respect to certain trade endeavors, therefore we suggest the additional clarity as set forth below. Provided are a compilation of statements that have been used to describe essential services related to real estate and the building trades in local and state orders, in Texas and elsewhere around the country such as Iowa, Illinois, Ohio and Oregon, wherein the ability for residential and commercial properties (including factory-built) to be constructed, transferred and occupied has been successfully preserved.

- *Essential Government Functions:* All services provided by the State or any municipal, county or other subdivision or agency of government that is needed to ensure the continuing operation of government agencies or to provide for or support the health, safety and welfare of the public, including county clerks, licensing and permitting
- *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), 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.

- *Financial Institutions:* Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions, mortgage bankers and mortgage brokers, appraisers, title insurance companies and agents, financial markets, affiliates of financial institutions, entities that issue bonds, pawnshops, insurance companies, underwriters, agents, brokers, and related insurance claims and agents, institutions selling financial products.
- *Mail and Delivery Services:* Post offices and other businesses providing mailing and shipping services
- *Hardware and Supply Stores:* Hardware stores and businesses that sell lumber, electrical, plumbing, and other building materials and their suppliers as necessary to support essential businesses, critical infrastructure, and essential government functions
- *Critical Trades and Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses:* Residential and commercial building and construction trades, such as home builders, remodelers, plumbers, electricians, heating air conditioning and mechanical trades, painters, exterminators, pool cleaners, janitorial and cleaning staff, warehouse/distribution and fulfillment, storage for essential businesses, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, essential businesses, essential government functions, or critical infrastructure, including but not limited to utilities such as electricity, gas, water and wastewater, and other public works
- *Professional Services:* Professional services, such as legal or accounting services, insurance services, property management and real estate services (including appraisal and title)

For further reference regarding a statewide standard, we look to Arizona's Governor Ducey who stated in Executive Order 2020-12 (dated March 23, 2020):

1. *No county, city or town may make or issue any order, rule or regulation that restricts or prohibits any person from performing any function designated by either the Governor, the Director of the Department of Health Services, or the Division of Emergency Management as an essential function during the COVID-19 public health emergency.*

Our collective organizations have eagerly implemented policies necessary to limit, or where possible, eliminate in-person contact during the course of business. Wherever it is absolutely necessary to conduct business in-person, our members are referencing CISA recommendations to conduct our services or work in compliance with social distancing requirements of six feet, to the extent possible.

Our members are utilizing various technologies to hold meetings, share documents, show property, and conduct negotiations and closings virtually. However, those innovations will be for naught if other services necessary to the real estate and building industries become unavailable.

Each of our organizations stands ready to assist in the pandemic fight however we may best be of service to the State of Texas.

We recognize that an executive order of this magnitude should be issued under only the most urgent of circumstances, and it is with the best interests of our communities and all Texans at heart that we submit this request for your consideration.

Respectfully signed,

Peyton McKnight
President
**American Council of Engineering
Companies of Texas**

Corbin Van Arsdale
President
**Associated General Contractors –
Texas Building Branch**

Melodie Durst
Executive Director
Credit Union Coalition of Texas

Steve Scurlock
Director of Government Affairs
Independent Bankers Association of Texas

John Rothermal
Senior Vice President
Stewart Title

Chris Newton
Executive Vice President
Texas Apartment Association

M. Scott Norman
Executive Director
Texas Association of Builders

Chris Furlow
President and CEO
Texas Bankers Association

Caroline Willard
President and CEO
Texas Credit Union Association

Michael Savas
President
Texas Land Title Association

DJ Pendleton
Executive Director
Texas Manufactured Housing Association

John Fleming
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Ginny Sutton
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Becky Walker
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Texas Society of Architects