

# How Coronavirus Is Affecting the Construction Industry: An Evolving Tracker of Construction Shutdowns Across the United States

Updated Wednesday, March 25, 2020 @ 6:00 PM EST: Alaska, Delaware, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Ohio, Oregon, Texas, Washington, West Virginia

The US construction market has been upended by the COVID-19 pandemic. Rapidly evolving state and local orders governing business closures, limitations on social gatherings, and restrictions on commerce are being issued and clarified daily. Foley's nationally ranked Construction Practice has been continually tracking those states in which construction has been impacted by such orders. Our construction tracker serves as a critical resource for owners, contractors, laborers and suppliers trying to make sense of the current landscape. Please note, even in states where construction is permitted to continue, the health and safety of all who access and work on construction sites, including adherence to social distancing requirements, must be the utmost priority. Updates should be made to health and safety plans and project parties should work together to determine best practices for maintaining the health, welfare, and safety of all. If you have questions on any matters related to safety, project suspension, applicability of force majeure provisions, or contractual rights to suspend or terminate, please contact any of the lawyers in [Foley's Construction Practice](#).

State	Construction Impact	Express Restrictions and Guidance	Local Variances and Additional Considerations
Alaska	<b>Construction Allowed to Continue, Restrictions on Out-of-State Workers</b>	<p>Effective March 25, 2020 at 12:01 a.m., all people arriving in Alaska from another state or country, whether resident, worker or visitor, are <a href="#">ordered</a> to self-quarantine for 14 days and monitor for illness.</p> <p>The quarantine requirements do not apply if persons support critical infrastructure as identified <a href="#">here</a>. Critical infrastructure includes public works construction and construction of housing.</p>	<p><b>Anchorage:</b> Effective March 22, 2020, everyone in the City is <a href="#">ordered</a> to stay at home. Certain critical businesses are encouraged to stay open while implementing social distancing to the greatest extent possible. "Critical Infrastructure" is considered a critical business and includes work necessary to the operations and maintenance of:</p> <ul style="list-style-type: none"> <li>▪ The Port of Alaska;</li> <li>▪ Public works construction;</li> <li>▪ Construction of housing;</li> <li>▪ Airport operations;</li> <li>▪ Water, sewer, gas and electrical services;</li> <li>▪ Oil production;</li> </ul>

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			<ul style="list-style-type: none"> <li>▪ roads and highways;</li> <li>▪ Trucking and shipping companies;</li> <li>▪ Public transportation;</li> <li>▪ Solid waste collection and removal; and</li> <li>▪ Internet, and telecommunications systems</li> </ul>
<b>California</b>	<b>Construction Allowed to Continue; Municipal Restrictions in San Francisco, Los Angeles and Surrounding Counties</b>	<p>All individuals living in the State of California must stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors identified by the Department of Homeland Security and other sectors <a href="#">identified</a> by the Director of the California Department of Public Health, which includes construction and, particularly, housing construction.</p> <p>Further <a href="#">guidance</a> issued by the California State Public Health Officer has designated the following as “essential”: construction workers who support construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction), and workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of construction sites and construction projects.</p>	<p><b>Los Angeles:</b> Effective March 19, 2020 and continuing until April 19, 2020, all persons are ordered to remain in their home and all businesses within the City are ordered to cease operations. Persons may lawfully leave their residence and businesses may continue operations to the extent they provide certain essential activities and work to provide essential business and government services. Exceptions related to construction fall under "Essential Infrastructure" and includes:</p> <ul style="list-style-type: none"> <li>▪ Construction of commercial, office and institutional buildings, residential buildings and housing;</li> <li>▪ Airport operations, food supply, concessions, and construction; and</li> <li>▪ Port operations and construction.</li> </ul> <p><b>City and County of San Francisco:</b> As of March 16, 2020, all persons in the City and County of San Francisco must "shelter in place" until April 7, 2020. Individuals are excluded from the <a href="#">order</a> to the extent they provide certain essential activities and work to provide essential business and government services. Exceptions related to construction fall under "Essential Infrastructure" and include:</p>

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			<ul style="list-style-type: none"> <li>▪ Public works construction;</li> <li>▪ Construction of housing (in particular affordable housing or housing for the homeless);</li> <li>▪ Airport operations;</li> <li>▪ Water/sewer/gas/electrical services;</li> <li>▪ Oil refining;</li> <li>▪ Roads and highways;</li> <li>▪ Public transportation;</li> <li>▪ Solid waste collection and removal; and</li> <li>▪ Internet and telecommunications systems.</li> </ul> <p>Seven other counties in northern California have issued shelter-in-place orders (see below) with more expansive restrictions concerning the construction industry, generally permitting only public infrastructure construction and construction of housing. In these counties, the local orders should be followed.</p> <p><a href="#">Alameda</a>, <a href="#">Contra Costa</a>, <a href="#">Sacramento</a>, <a href="#">Santa Clara</a>, <a href="#">Santa Cruz</a>, <a href="#">San Mateo</a>, and <a href="#">Sonoma</a> counties have all issued shelter-in-place orders that likewise classify public infrastructure and housing construction as essential businesses that can continue.</p> <p><a href="#">Monterey County</a>'s order includes the same language, but also allows on-going commercial construction projects that had commenced before the order's effective date to continue.</p> <p>And while <a href="#">Marin County</a>'s order uses the same language, its Health and Human Services website is reporting that:</p>

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			<ol style="list-style-type: none"> <li>1. all partially completed residential construction projects can continue to completion in order to ensure health and safety;</li> <li>2. new construction projects may not begin unless they add to the supply of housing stock by building a second unit or a new home, or maintaining the habitability of homes in order to avoid displacement of residents; and</li> <li>3. business construction projects related to maintaining or upgrading essential business, government, or health care infrastructure may continue.</li> </ol>
Colorado	<p><b>Construction Allowed to Continue; Municipal Restrictions in San Miguel County</b></p>	<p>No statewide order affecting construction.</p>	<p><b>San Miguel County, including Telluride:</b> Effective March 21, 2020, all businesses are <a href="#">ordered</a> to close, except for Essential Businesses. Residential and commercial construction is expressly shut down except for Minimum Basic Operations (site security). Exceptions to the shutdown include any construction activities that support Essential Businesses, Essential Infrastructure or Essential Government Functions. These exceptions include construction related to, among other things:</p> <ul style="list-style-type: none"> <li>▪ Public Works;</li> <li>▪ Public Welfare;</li> <li>▪ Utilities;</li> <li>▪ Health Care Operations;</li> <li>▪ Airports; and</li> <li>▪ Oil Refining.</li> </ul>

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Connecticut	Construction Allowed to Continue	Effective March 23, 2020 and continuing through April 22, 2020, all non-essential businesses or not-for-profit entities are <a href="#">ordered</a> to reduce their in-person workforces by 100%. The Department of Economic and Community Development shall issue lawfully binding guidance about which businesses are essential and those businesses shall include construction businesses.	
Delaware	Construction Allowed to Continue	Effective March 24, 2020 at 8:00 a.m. and continuing until May 15, 2020, all Non-Essential Businesses are <a href="#">ordered</a> to close. Essential Businesses include businesses that employ workers in residential, nonresidential and infrastructure construction and workers who provide critical maintenance to residential or non-residential structures.	
Florida	Construction Allowed to Continue	No statewide order affecting construction.	<p><b>Miami:</b> All non-essential retail and commercial establishments are <a href="#">ordered</a> to close.</p> <p>Contractors, tradesmen and other service providers are excluded from the order to close.</p>
Georgia	Construction Allowed to Continue	No statewide order affecting construction.	<p><b>Atlanta:</b> All construction, except for public works construction, is allowed to continue per <a href="#">order</a> issued on March 23, 2020 at 8:49PM.</p> <p><b>Athens-Clarke County, including Athens:</b> All businesses in the county, except for Essential Businesses, are required to cease all activities, except Minimum Basic Operations, located within the County. The <a href="#">order</a> includes public works construction, construction and all related</p>

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			activities (in particular affordable housing or housing for individuals experiencing homelessness), and plumbers, electricians, exterminators, and other service providers who provide services necessary to maintaining the safety, sanitation and essential operation of the construction, as Essential Businesses.
Hawaii	<b>Construction Suspended Except for Essential Infrastructure</b>	<p>Effective at 12:01 a.m. on March 25, 2020, and until 11:59 p.m. on April 30, 2020 all persons within the state are <a href="#">ordered</a> to stay home, except to travel to and from Essential Business and Operations. All Non-Essential Businesses and Operations must cease operations.</p> <p>Exceptions related to construction fall under sectors <a href="#">identified</a> by the U.S. Department of Homeland Security, Cybersecurity &amp; Infrastructure Security Agency (CISA) as essential and “Critical Trades” and include:</p> <ul style="list-style-type: none"> <li>▪ Construction of critical or strategic infrastructure; and</li> <li>▪ Building and construction tradesmen and tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, and moving and relocation services.</li> </ul>	
Idaho	<b>Construction Allowed to Continue</b>	No statewide order affecting construction.	<b>Blaine County:</b> All businesses in the county, except Essential Businesses, are required to cease all activities, except Minimum Businesses Operations, located within the county. The <a href="#">order</a> includes public works construction, commercial construction, construction of housing (in particular affordable housing or housing for

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			individuals experiencing homelessness), and plumbers, electricians, exterminators, and other service providers who provide services necessary to maintaining the safety, sanitation and essential operation of the construction, as Essential Businesses.
Illinois	<b>Construction Allowed to Continue</b>	<p>Effective March 21, 2020 and continuing until April 7, 2020, all individuals living within the State of Illinois are ordered to stay at home or at their place of residence except to perform Essential Activities or Essential Government Functions, or to operate Essential Businesses and Operations. The <a href="#">order</a> identifies construction (including but not limited to construction required in response to the order, hospital construction, construction of long-term care facilities, public works construction, and housing construction) as an Essential Business and Operation.</p> <p>See <a href="#">Foley's CRC website</a> for more information regarding the Illinois order.</p>	

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Indiana	<b>Construction Allowed to Continue</b>	<p>Effective at 11:59 p.m. on March 24, 2020 until April 6, 2020, all residents are <a href="#">ordered</a> to stay home and all non-essential businesses are ordered to cease. Exceptions related to construction fall under sectors <a href="#">identified</a> by the U.S. Department of Homeland Security, Cybersecurity &amp; Infrastructure Security Agency (CISA) as essential, "Essential Infrastructure" and "Critical Trades", and include:</p> <ul style="list-style-type: none"> <li>▪ Construction (including but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, essential business construction and housing construction);</li> <li>▪ Construction of critical or strategic infrastructure; and</li> <li>▪ Building and construction tradesmen and tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, operating engineers, cleaning and janitorial staff for commercial and government properties, security staff, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintain the safety, sanitation and essential operation of residences, Essential Activities, and Essential Businesses and Operations.</li> </ul>	
Louisiana	<b>Construction Suspended Except for Critical or Strategic Infrastructure</b>	<p>Effective March 23, 2020 and continuing until April 13, 2020, all individuals are <a href="#">ordered</a> to stay at home unless performing an essential activity or an essential worker function. Guidance of what constitutes an essential worker function is provided by the U.S. Department of Homeland Security, Cybersecurity &amp; Infrastructure Security Agency (CISA), which <a href="#">guidance</a> includes "construction of critical or strategic infrastructure" as an essential worker function.</p>	

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Maryland	Construction Allowed to Continue	Effective 5:00 p.m. on March 23, 2020, all businesses are <a href="#">ordered</a> closed other than those businesses that are part of the critical infrastructure sectors identified by <a href="#">guidance</a> issued by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency. Interpretative <a href="#">guidance</a> issued on March 23 by the Maryland Office of Legal Counsel clarifies that commercial and residential construction companies are exempt from the order to close.	
Massachusetts	Construction Allowed to Continue Statewide; Prior Municipal Restrictions Are Being Contested	Effective Tuesday, March 24, 2020 at Noon, Governor Charlie Baker has <a href="#">ordered</a> a statewide stay-at-home directive for Massachusetts residents until Tuesday, April 7, 2020 at Noon - unless extended. Certain services – including the services of construction workers who support the construction, operation, inspection and maintenance of construction sites and construction projects – are considered exempt as a <a href="#">COVID-19 Essential Service</a> .	<p>On March 25, 2020, the Governor's Legal Office issued a <a href="#">letter to all municipalities</a> clarifying the March 24 order specifically with respect to construction. Governor Baker ordered all municipalities to rescind any previous orders to the contrary.</p> <p>Later on March 25, in direct <a href="#">response</a> to the letter from the Governor's Legal Office, Boston Mayor Marty Walsh affirmatively extended his <a href="#">March 16 order</a> suspending all non-essential, permitted construction in Boston.</p>
Michigan	Construction Suspended Except Construction of Public Works and Public Health Infrastructure	<p>Effective Tuesday, March 24 at 12:01 a.m. and continuing through at least April 13, all residents of Michigan are subject to a <a href="#">Stay-Home, Stay-Safe at Home Executive Order</a>. "Critical infrastructure workers" are exempt from the order. This includes workers described in the <a href="#">directive</a> issued by the U.S. Department of Homeland Security, Cybersecurity &amp; Infrastructure Security Agency (CISA), including construction workers of critical or strategic infrastructure.</p> <p><a href="#">Executive Order 2020-21 FAQ</a> further clarifies that construction to maintain and improve essential public works like roads, bridges, the telecommunications infrastructure, and public health infrastructure is permitted to continue.</p>	

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		<p>Construction workers may also undertake such projects as necessary to maintain and improve the safety, sanitation, and essential operations of residences. In addition, businesses may designate construction firms to provide necessary support to the work of the businesses' otherwise critical infrastructure workers. All construction work that is carried out, however, must be done in accordance with the social distancing requirements set forth in the order.</p> <p>As set forth on <a href="#">Foley's CRC website</a> regarding the Michigan order, not all employees are considered "critical infrastructure workers" and businesses must so specify those workers in writing by March 31.</p>	
<b>Nevada</b>	<b>Construction Allowed to Continue</b>	Effective March 20, 2020 at 11:59 p.m., non-essential businesses in the state are <a href="#">ordered</a> to close. The order permits construction and infrastructure sector labor forces to continue operations.	
<b>New York</b>	<b>Construction Allowed to Continue</b>	<p><a href="#">Executive Order 202.8</a>, New York's latest density-mitigation mandate, requires, among other things, that all businesses utilize telecommuting or work from home procedures to the extent possible and all nonessential businesses reduce their in-person workforce at any work locations by 100% no later than March 22 at 8 p.m. Significantly, the measure does not apply to industries, businesses or entities that are considered "essential". In connection with the Governor's Order, the Empire State Development Corporation ("ESDC") has issued <a href="#">guidance</a> for determining whether a business is subject to the 100% workforce reduction or is otherwise considered part of an essential industry, and thus exempt under the Executive Order. As set forth in the ESDC's guidance, construction is considered an essential industry and is exempt. The guidance further deems</p>	<p><b>New York City:</b> The New York City Mayor's office announced on March 22, 2020 that the City is enforcing the closure of all nonessential businesses consistent with the State Executive Order. Although a moratorium on nonessential construction in NYC had been considered earlier, no such mandate has been reduced to Mayoral Order or otherwise.</p>

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		<p>essential “skilled trades such as electricians, plumbers and other related construction firms [and] professionals for essential infrastructure or for emergency repair and safety purposes.”</p> <p>According to the ESDC, for businesses that operate or provide both essential and non-essential services, supplies or support, only those operations necessary to support essential services, supplies, or support are exempt from the restrictions. While the ESDC is considering requests for essential services designation (such forms are found <a href="#">here</a>) requests by businesses to be designated essential “should only be made if they are NOT covered by the guidance.”</p>	
Ohio	Construction Allowed to Continue	<p>Effective March 23, 2020 at 11:59 p.m. and continuing until April 6, 2020, all non-essential business and operations are <a href="#">ordered</a> to cease. All individuals currently living in the state must stay at their place of residence, but may leave to provide essential business and government services. Exceptions related to construction fall under sectors <a href="#">identified</a> by the U.S. Department of Homeland Security, Cybersecurity &amp; Infrastructure Security Agency (CISA) as essential, "Essential Infrastructure" and “Critical Trades”, and include:</p> <ul style="list-style-type: none"> <li>▪ Construction (including but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, essential business construction and housing construction);</li> <li>▪ Construction of critical or strategic infrastructure;</li> <li>▪ Building and construction tradesmen and tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and government properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers</li> </ul>	

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		<p>who provide services that are necessary to maintain the safety, sanitation and essential operation of residences, Essential Activities, and Essential Businesses and Operations.</p>	
<b>Oregon</b>	<b>Construction Allowed to Continue</b>	<p>Effective 12:01 a.m. on March 24, 2020, all businesses are <a href="#">ordered</a> to facilitate telework and work-at-home by employees to the maximum extent possible. The State has specific guidance for contractors to implement social distancing policies, available <a href="#">here</a>.</p>	<p><b>Portland:</b> Effective March 25, 2020 at 5:00 p.m., all businesses within the city that do not provide Essential Services are <a href="#">ordered</a> to close. Businesses that provide Essential Services are encouraged to stay open. Existing or ongoing construction projects are listed as Essential Services.</p>
<b>Pennsylvania</b>	<b>All Construction Suspended</b>	<p>Effective March 19, 2020 at 8pm EST, all "non-life sustaining businesses" in the Commonwealth of Pennsylvania are <a href="#">closed</a> until further notice. This includes all types of construction, including:</p> <ul style="list-style-type: none"> <li>▪ Construction of buildings (residential and nonresidential);</li> <li>▪ Heavy and Civil Construction (utilities, land subdivisions, highways/streets/bridges, and other heavy and civil engineering)</li> <li>▪ Specialty trade contractors (foundations/structures/building interiors, building equipment, building finishes and other trades).</li> </ul> <p>A complete list of closures by industry can be found <a href="#">here</a>.</p>	<p>The Pennsylvania statewide order came only days after Philadelphia Mayor Jim Kenney <a href="#">exempted</a> construction activity from the mandatory closure of all nonessential businesses in Philadelphia.</p>
<b>Texas</b>	<b>Construction Allowed to Continue; Municipal Restrictions in Austin</b>	<p>No statewide order affecting construction.</p>	<p><b>Austin:</b> Effective as of 11:59 p.m. March 24, 2020 and continuing until April 13, 2020, all businesses, other than Essential Businesses, are <a href="#">ordered</a> to cease all activities, except Minimum Basic Operations. The City issued <a href="#">guidance</a> that construction is only permitted to continue on the following types of construction projects:</p>

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			<ul style="list-style-type: none"> <li>▪ Public works;</li> <li>▪ Affordable housing;</li> <li>▪ Homeless Shelters or facilities for the homeless;</li> <li>▪ Social services facilities;</li> <li>▪ Construction of facilities that are otherwise deemed Essential Businesses, Essential Government Functions or Critical Infrastructure;</li> <li>▪ Facilities required by the City in response to the COVID-19 emergency.</li> </ul> <p>If part of a project falls within one of the above listed categories, but the project also includes other construction activities at the same site that do not, all construction within the site will be permitted. Contractors have until 11:59 p.m. March 27, 2020 to close down construction activities that are not deemed essential as defined above.</p> <p><b>Dallas County:</b> Effective March 23, 2020 at 11:59 p.m., all nonessential businesses are <a href="#">ordered</a> to cease all activities at facilities located within the County. Residential, commercial and public works construction are listed as “Essential businesses” and are allowed to continue.</p> <p><b>Harris County:</b> Effective as of 11:59 p.m. on March 24, 2020, and continuing until 11:59 p.m. on April 3, 2020, all individuals within Harris County are <a href="#">ordered</a> to stay at their place of residence and all businesses operating in the County, except Essential Businesses, are required to cease all activities. Residential, commercial and public works construction are listed as</p>

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			"Essential Businesses" and are allowed to continue.
<b>Washington</b>	<b>Construction Suspended; Exemptions for Construction of Critical or Strategic Infrastructure, Housing, Emergency Repairs and Projects that Insure Structural Integrity</b>	<p>Effective midnight on March 25, 2020 until April 8, 2020, all residents are <a href="#">ordered</a> to stay home and Non-Essential Businesses are ordered to close, except for performing minimum business operations. Residents and businesses exempt from the order are listed <a href="#">here</a>, and include:</p> <ul style="list-style-type: none"> <li>▪ Construction of critical or strategic infrastructure;</li> <li>▪ Construction workers that support construction, operation, inspection and maintenance of construction sites and construction projects (including housing construction) for all essential facilities, services and projects otherwise exempted; and</li> <li>▪ Residential construction related to emergency repairs and projects that ensure structural integrity; and plumbers, electricians and other who provide services that are necessary to maintaining the safety, sanitation and essential operation of construction sites and projects.</li> </ul>	
<b>West Virginia</b>	<b>Construction Allowed to Continue</b>	<p>Effective at 8:00 p.m. on March 24, 2020, all residents are <a href="#">ordered</a> to stay home and all Non-Essential Businesses and Operations must temporarily cease operations, except for minimum basic operations.</p> <p>Exceptions related to construction fall under sectors identified by the U.S. Department of Homeland Security, Cybersecurity &amp; Infrastructure Security Agency (CISA) as essential, "Essential Infrastructure" and "Critical Trades", and include:</p> <ul style="list-style-type: none"> <li>▪ Construction (including but not limited to, construction required in response to the public health emergency, hospital</li> </ul>	

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		<p>construction, construction of long-term care facilities, public works construction, school construction, essential business construction and housing construction);</p> <ul style="list-style-type: none"> <li>▪ Construction of critical or strategic infrastructure; and</li> <li>▪ Building and construction tradesmen and tradeswomen, and other trades including but not limited to plumbers, electricians, filtration technicians, exterminators, cleaning and janitorial staff for commercial and government properties, security staff, operating engineers, HVAC engineers, painting, moving and relocation services, and other service providers who provide services that are necessary to maintain the safety, sanitation and essential operation of residences, Essential Activities, and Essential Businesses and Operations.</li> </ul>	
<b>Wisconsin</b>	<b>Construction Allowed to Continue, Optional or Aesthetic Construction Should be Avoided</b>	<p>Effective at March 25, 2020 at 8:00 a.m. and continuing until April 24, 2020 at 8:00 a.m., all Non-Essential Business and Operations are <a href="#">ordered</a> to cease. Exceptions related to construction fall under sectors <a href="#">identified</a> by the U.S. Department of Homeland Security, Cybersecurity &amp; Infrastructure Security Agency (CISA) as essential, "Essential Infrastructure" and "Critical Trades", and include:</p> <ul style="list-style-type: none"> <li>▪ Construction (including but not limited to, construction required in response to the public health emergency, hospital construction, construction of long-term care and assisted living facilities, public works construction, school construction, Essential Business and Operations construction, construction necessary for Essential Government Functions, and housing construction, except that optional or aesthetic construction should be avoided);</li> <li>▪ Construction of critical or strategic infrastructure; and</li> </ul>	The State of Wisconsin order supersedes any local order that is in conflict with the order.

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		<ul style="list-style-type: none"> <li>▪ Building and construction tradesmen and tradeswomen, and other trades including but not limited to plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe trades, fabricators, finishers, exterminators, pesticide application, cleaning and janitorial staff for commercial and government properties, security staff, operating engineers, HVAC, painting, moving and relocation services, forestry and arborists, and other service providers who provide services that are necessary to maintain the safety, sanitation and essential operation of residences, Essential Activities, Essential Governmental Functions, and Essential Businesses and Operations.</li> </ul>	