

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

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 and 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.

With the proliferation of multiple conflicting state and local orders, including the limited federal guidance on construction as an essential service, parties seeking to understand how governing law may impact their construction project must seek advice of counsel. The following guidance is not legal advice. This information is a summary of orders impacting construction in a rapidly changing and uncertain environment. We cannot guarantee that governmental authorities will concur with our summary nor can we guarantee how your particular project will be treated under the law. If you have questions on any matters related to applicability of the law, safety, project suspension, 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 |
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| Alaska | Construction Suspended Except for "Critical Infrastructure" | Effective March 28, 2020 at 8:00 a.m., all businesses were ordered to cease operations except for minimum basic operations necessary to maintain safety and security. Certain critical businesses may remain open while implementing social distancing to the greatest extent possible. "Critical Infrastructure" is considered a critical business and includes work necessary to the operation and maintenance of: | Certain quarantine requirements in effect for travel into and within Alaska do not apply if persons support critical infrastructure. Such businesses falling within this exception must submit a travel plan or protocol for avoiding the spread of COVID-19 in the communities within which they operate. Alaskan Health Mandate 12, detailed at left, supersedes any local government or tribal mandate, directive, or order restricting intrastate travel. |

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| | | <ul style="list-style-type: none"> ▪ The Port of Alaska; ▪ Public works construction; ▪ Construction of housing; ▪ Airport operations; ▪ Water, sewer, gas and electrical services; ▪ Oil production, mining and logging; ▪ Internet and telecommunications systems; ▪ Mining and logging; ▪ Roads and highways; ▪ Trucking and shipping companies; ▪ Public transportation; and ▪ Solid waste collection and removal. | |
| Arizona | Construction Allowed to Continue | Effective March 31, 2020 at 5pm, Governor Ducey implemented a "Stay Home, Stay Healthy, Stay Connected" Order limiting travel, activities and certain business. Businesses performing " essential functions " as detailed in Executive Order 2020-12 may continue to function, including construction. | |
| California | Construction Allowed to Continue; Restrictions in San Francisco Bay Area, Los Angeles and Surrounding Counties | <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 identified by the Director of the California Department of Public Health, which includes construction and, particularly, housing construction.</p> <p>Further guidance issued by the California State Public Health Officer has designated the following as</p> | <p>City of Los Angeles: 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. Exceptions related to construction fall under "Essential Infrastructure" and includes:</p> <ul style="list-style-type: none"> ▪ Construction of commercial, office and institutional buildings, residential buildings and housing; ▪ Airport operations, food supply, concessions, and construction; and ▪ Port operations and construction. |

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| | | <p>“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>On March 31, the Mayor of Los Angeles announced new site safety guidelines and encouraged public reporting of construction non-compliance to the city’s safer-at-home order.</p> <p>County of Los Angeles: Effective March 21, 2020, and continuing until April 19, 2020, all persons are ordered to remain in their homes and all businesses must cease operations. Exceptions related to construction include “Essential Businesses” and the “Essential Infrastructure” sector, which include:</p> <ul style="list-style-type: none"> ▪ Construction workers supporting the operation, inspection, and maintenance of construction sites and projects, including housing construction; ▪ Public works construction; and ▪ Construction of commercial, office, residential and institutional buildings. <p>San Francisco Bay Area Counties:</p> <p>San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara and Marin Counties (and the City of Berkeley) issued joint orders effective March 31 at midnight which require all persons to shelter in place through May 3 at midnight, unless expressly excepted from the Orders. While the Orders vary slightly, they severely restrict construction.</p> <p>The Orders are now mandatory and failure to comply with any of the provisions of the Orders “constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.”</p> <p>The only construction activities allowed to continue are:</p> |

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| | | | <ul style="list-style-type: none"> ▪ Projects immediately necessary to the maintenance, operation, or repair of Essential Infrastructure; ▪ Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response; ▪ Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units; ▪ Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency; ▪ Shelters and temporary housing, but not including hotels or motels; ▪ Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs; ▪ Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and ▪ Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed. <p>Sacramento, Santa Cruz, and Sonoma counties have previously issued shelter-in-place orders that classify public infrastructure and housing construction as essential businesses that can continue, but will likely be updated soon.</p> |

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| | | | <p>Monterey County's current order allows on-going commercial construction projects that commenced before the order's effective date to continue.</p> <p>For more in depth understanding of California state and local orders and the impact of such orders on the lives of California residents and businesses, please see Foley's alert Managing the Commercial Impact of the Coronavirus: Sixteen Counties and Three Cities in California Under Shelter In Place Order or Directive.</p> |
| Colorado | Construction Allowed to Continue; Municipal Restrictions in San Miguel County | Effective March 26, 2020 at 6:00 a.m. and continuing until April 11, 2020, all persons are ordered to stay at home and all businesses must close. Exceptions related to construction fall under the "Critical Business" sectors identified by the Colorado Department of Public Health and Environment (updated April 1, 2020), and includes construction. | <p>San Miguel County, including Telluride: Effective March 21, 2020 (and updated April 4, 2020) all businesses are ordered 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"> ▪ Public Works; ▪ Utilities; ▪ Roads and Highways; ▪ Health Care Operations; ▪ Airports; and ▪ Oil Refining. <p>Failure to comply with this order is subject to criminal and civil penalties, including a fine up to \$5,000 and imprisonment in county jail for up to 18 months.</p> |
| 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 ordered to reduce their in-person workforces by 100%. The Department of Economic and Community Development | |

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| | | issued lawfully binding guidance that includes construction as an “essential business.” | |
| 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 ordered 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. | Delaware first issued a State of Emergency Order on March 13, 2020 and has, to date, issued nine modifications to that SOE Order . As each order increases in strictness – with the latest limiting gatherings to no more than ten people and requiring augmented social distancing at essential businesses open to the public – as of this update construction is still broadly permitted. |
| District of Columbia | Construction Allowed to Continue; Safety Guidelines Issued | Pursuant to Mayor's Order 2020-053 effective March 25, 2020, and as updated on March 30, 2020, all businesses are ordered to close except as necessary to continue Minimum Basic Operations. Construction and building trades are exempt from the closure order subject to safety guidelines for construction sites. | |
| Florida | Open Construction Allowed to Continue | Governor DeSantis issued a statewide order effective April 3, 2020 at 12:01 a.m. and continuing until April 30, 2020. It prevents travel except for essential services or activities and closes all non-essential businesses. It defines “essential businesses” by referring to (1) the guidance of the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (“CISA”), and (2) the Miami-Dade County Emergency Order, which defines “essential retail and commercial businesses” to include: <ul style="list-style-type: none"> ▪ Open construction sites, irrespective of the type of building; and | To the extent any Florida counties or local governments issue guidelines or orders that are more restrictive than the statewide order, the local orders would apply. |

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| | | <ul style="list-style-type: none"> Contractors and other tradesmen, appliance repair personnel, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and other structures. <p>For more in depth understanding of Florida's resident isolation and quarantine of individuals entering the state, please see Foley's alert Florida Governor Issues Executive Order Requiring Isolation or Quarantine of All Individuals Entering Florida From New York Tri-State Area in Response to the Coronavirus.</p> <p>For more in depth understanding of Florida's Executive Order 20-91 Essential Services and Activities During Coronavirus Emergency, please see Foley's CRC alert.</p> | |
| Georgia | Construction Suspended Except for CISA Exempted Work | Effective at 6:00 p.m. on Friday, April 3, 2020 and expiring at 11:59 p.m. on April 13, 2020, all residents and visitors to the state are ordered to shelter in place within their homes unless exempted by CISA . CISA guidance allows construction related to housing, continuity of building functions and safety, public works, communications, essential services and products, energy sector (including renewable energy) projects, and COVID-19 relief efforts. | Governor Kemp's order supersedes any county, municipal, or local ordinances. |
| Hawaii | Construction Suspended Except | Effective at 12:01 a.m. on March 25, 2020, and until 11:59 p.m. on April 30, | |

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| | <p>for CISA Exempted Work and Identified “Critical Trades”</p> | <p>2020 all persons within the state are ordered to stay home, except to travel to and from Essential Business and Operations.</p> <p>Exceptions related to construction fall under (i) sectors identified by CISA, which guidance construction related to housing, continuity of building functions and safety, public works, communications, construction related to essential services and products, energy sector (including renewable energy) projects, and COVID-19 relief efforts, and (ii) “Critical Trades” including building and construction tradesmen and tradeswomen, and other trades including but not limited to plumbers, electricians, operating engineers, and HVAC workers.</p> | |
| <p>Idaho</p> | <p>Construction Allowed to Continue</p> | <p>Effective March 25, 2020 and as updated on April 2, 2020, all businesses, except for Essential Businesses, are ordered to close. Exceptions related to construction fall under (i) sectors identified by CISA, which guidance construction related to housing, continuity of building functions and safety, public works, communications, construction related to essential services and products, energy sector (including renewable energy) projects, and COVID-19 relief efforts, and (ii) “Essential Infrastructure”, which broadly includes:</p> <ul style="list-style-type: none"> ▪ Public works construction; ▪ Commercial construction; and ▪ Construction of housing (in particular affordable housing and housing for | |

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| | | those individuals experiencing homelessness). | |
| Illinois | Construction Allowed to Continue | <p>Pursuant to Executive Order 2020-10, effective March 21, 2020 and extended until April 30, 2020 by Executive Order 2020-18, 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 order 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 Foley's CRC website for more information regarding the Illinois order.</p> | |
| Indiana | Construction Allowed to Continue | <p>Effective at 11:59 p.m. on March 24, 2020 recently extended (albeit not clearly) until May 5, 2020, all residents are ordered to stay home and all non-essential businesses are ordered to cease. Exceptions related to construction fall under (i) sectors identified by CISA on March 19, 2020 as essential and (ii) those specifically defined as "Essential Infrastructure" and "Critical Trades" including construction.</p> | |
| Kansas | Construction Suspended Except for "Essential Functions" | <p>Effective 12:01 a.m. on March 30, 2020, all persons shall stay in their homes or residences unless performing an essential activity, which includes performing or going to work at an</p> | |

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| | | <p>“essential function.” The order defines “essential functions” to include</p> <ul style="list-style-type: none"> ▪ Constructing or repairing roads; ▪ Constructing, maintaining, or cleaning buildings; ▪ Constructing, supplying, cleaning, or maintaining single family homes or other housing; and ▪ Producing or distributing construction materials. | |
| Kentucky | Construction Suspended Except for CISA Exempted Work and Construction or Maintenance of Residential, Commercial or Government Structures | Effective March 26, 2020, Governor Beshear ordered that only "life-sustaining businesses" may remain open. Life-sustaining businesses related to construction fall under (i) sectors identified by CISA and (ii) businesses providing construction or maintenance of residential, commercial or government structures. | |
| Louisiana | Construction Suspended Except for CISA Exempted Work | Effective March 23, 2020 and extended until April 30, 2020, all individuals are ordered 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 CISA, which guidance includes construction related to housing, continuity of building functions and safety, public works, communications, construction related to essential services and products, energy sector (including renewable energy) projects, and COVID-19 relief efforts. | |
| Maine | Construction Allowed to Continue | Effective 12:01 am March 25, 2020 and continuing until April 8, 2020, all Non-Essential Businesses are ordered to | |

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| | | <p>cease operations. Exceptions related to construction fall under sectors identified by CISA as essential on March 19, 2020 and construction and maintenance of essential infrastructure. Further guidance issued on April 3, 2020 lists “construction, maintenance and property management” as essential business operations permitted to continue.</p> | |
| Maryland | Construction Allowed to Continue | <p>Under Maryland's stay-at-home order, updated effective March 30, 2020, all businesses are ordered closed other than those businesses that are part of the critical infrastructure sectors identified by guidance issued by CISA. Interpretative guidance 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.</p> | <p>The order mandates that “[a] person who knowingly and willfully violates this Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.”</p> |
| Massachusetts | Construction Suspended Except for Essential Services; Subject to More Restrictive Local Orders | <p>Effective Tuesday, March 24, 2020 Governor Charlie Baker ordered a statewide stay-at-home directive for Massachusetts residents. This order was updated on March 31, 2020 and extended until May 4, 2020. The Governor also updated the guidelines for COVID-19 Essential Services – which are effective as of Noon on April 1, 2020. These updated guidelines severely limit the operation of construction <i>unless</i> construction is related to:</p> <ol style="list-style-type: none"> 1. Essential maintenance, manufacturing, design, operation, inspection, security and construction for essential products, services, and | <p>On March 25, 2020, the Governor's Legal Office issued a letter to all municipalities 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 response to the letter from the Governor's Legal Office, Boston Mayor Marty Walsh affirmatively extended his March 16 order suspending all non-essential, permitted construction in Boston. Somerville and Cambridge quickly followed Boston's lead in keeping construction shut down.</p> <p>On March 26, Governor Baker stated in a press conference that he understand Mayor Walsh's concerns and, on the morning of March 27, he temporarily halted public construction projects in the state to focus on safety and the implementation of the</p> |

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| | | <p>supply chain and COVID-19 relief efforts;</p> <ol style="list-style-type: none"> 2. Maintaining the safety, sanitation, and essential operation of residences, businesses and buildings such as hospitals, health care facilities, senior living facilities, and any temporary construction required to support COVID-19 response; 3. Public works facilities and operations (including public schools and colleges, and properties managed by DCAMM), 4. Specific essential sectors and enterprises including: <ul style="list-style-type: none"> ▪ Renewable energy infrastructure; ▪ Energy sector fuels; ▪ Platform and drilling for the petroleum, natural gas, NGL, propane and liquid fuel industries; ▪ Dredging operations; ▪ New and existing pipelines; ▪ Water and wastewater; ▪ Infrastructure (highways, mass transit, air, rail); ▪ New and existing communications and IT infrastructure (fiber optic cables, buried conduit, small cells, cloud computing, telework, computing services, etc.); ▪ Continuity of critical building functions (security, HVAC, etc); ▪ Chemical and gas supply chains; ▪ Defense industry; and ▪ Waste. | <p>safety guidelines attached to his March 25 letter to municipalities.</p> <p>In light of the Governor's March 31 updates to the order and guidelines, these municipal orders can stand. Further enforcement guidance and supplemental guidelines were issued on April 2, 2020 containing required enforcement procedures for public projects that may be used by each city or town for ensuring the safety of both publicly- and privately-owned construction projects and supplement guidelines for construction in the Commonwealth.</p> |

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| Michigan | <p>Construction Suspended Except Construction of Public Works and Public Health Infrastructure</p> | <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 Stay-Home, Stay-Safe at Home Executive Order. "Critical infrastructure workers" are exempt from the order. This includes workers in those sectors identified by CISA as essential on March 19, 2020, including construction workers of critical or strategic infrastructure.</p> <p>Executive Order 2020-21 FAQ 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. 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.</p> <p>As set forth on Foley's CRC website regarding the Michigan order, not all employees are considered "critical infrastructure workers" and businesses had to specify those workers in writing by March 31. For more in depth understanding of Michigan's Executive Order 2020-4, please see the Foley CRC article on this topic.</p> | |
| Minnesota | <p>Construction Suspended Except for</p> | <p>Effective 11:59 pm on March 27, 2020 and continuing until 5:00 pm on April 10,</p> | |

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| | CISA Exempted Work and Other Critical Trades | <p>2020, all workers are ordered to stay at home. Exceptions related to construction fall under sectors identified by (i) CISA on March 23, 2020 as essential (and as attached to the order) and (ii) "Construction and Critical Trades", which includes:</p> <ul style="list-style-type: none"> ▪ Construction of critical or strategic infrastructure; and ▪ Workers in the skilled trades such as electricians, plumbers, HVAC and elevator technicians, other related construction of all kind, operating engineers, and all other service providers who provide services that are necessary to maintain the safety, sanitation, and essential operation of homes and residences and the Critical Sectors listed in the order. | |
| Mississippi | Construction Allowed to Continue | <p>Executive Order No. 1463, effective March 24, 2020 and as updated on April 1, 2020, all non-essential businesses and operations are ordered to close except for certain essential business and operations, including construction.</p> | |
| Missouri | | <p>Effective April 6, 2020 and continuing until April 24, 2020, Missouri's "Stay Home Missouri" order mandates all businesses not employing workers identified by CISA to adhere to limitations on social gatherings and social distancing. Exceptions related to construction under CISA include construction related to housing, continuity of building functions and safety, public works, communications,</p> | |

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| | | construction related to essential services and products, energy sector (including renewable energy) projects, and COVID-19 relief efforts. | |
| Montana | Construction Allowed to Continue | Effective March 28, 2020 and continuing until April 10, 2020, all Non-Essential Business and Operations are ordered to cease. Exceptions related to construction fall under (i) sectors identified by CISA as essential on March 19, 2020 and (ii) "Essential Infrastructure" and "Critical Trades", including construction. | |
| Nevada | Construction Allowed to Continue | Effective March 20, 2020 at 11:59 p.m., non-essential businesses in the state are ordered to close. The order permits construction and infrastructure sector labor forces to continue operations. Further guidance issued on March 27, 2020 specifically lists construction as an essential business. | |
| New Hampshire | Construction Allowed to Continue | Effective March 27, 2020 all businesses that do not provide Essential Services are ordered to close and cease operations. Guidance issued by the Governor includes as Essential Services "construction workers who support the construction, operation, inspection and maintenance of construction sites and construction projects (including housing construction)." | |
| New Jersey | Construction Allowed to Continue | Executive Order No. 107 , effective March 21, 2020 and extending until revoked, requires businesses whose workers cannot perform their functions via telework or work-from-home arrangements shall make best efforts | |

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| | | to reduce staff on site to the minimal number necessary to ensure that essential operations can continue. The order acknowledges that construction workers cannot work from home and are allowed to continue working. | |
| New Mexico | Construction Allowed to Continue | All non-essential businesses were ordered to close effective March 24, 2020, and as updated April 6, 2020, extended through April 30, 2020. Public works, commercial and residential construction are all deemed essential and permitted to continue operating. | |
| New York | Construction Suspended; Exemptions for Emergency Repairs and Construction of Public Works, Hospitals and Affordable Housing | <p>Effective March 22, 2020 at 8:00 p.m., all nonessential businesses are ordered to close. Further, effective March 28, only "essential construction" shall be allowed to continue. The Empire State Development Corporation is authorized to determine which construction projects are essential and allowed to continue. Its updated guidance defines "essential construction" to include the following projects:</p> <ul style="list-style-type: none"> ▪ Emergency repairs necessary to protect health and safety of the occupants or for which it would be unsafe to allow to remain undone until it is safe to shut the site; ▪ Roads; ▪ Bridges; ▪ Transit facilities; ▪ Utilities; ▪ Hospitals or health care facilities; ▪ Affordable housing; and ▪ Homeless shelters. | |

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| | | <p>ESDC has reportedly provided further guidance in private emails to the Associated General Contractors of New York State, expanding construction considered “essential” to include municipal and school district, warehouse/distribution, fulfillment center, hotel and all other projects in support of otherwise essential businesses. However, with the penalties for violations set at \$10,000 per violation, anyone seeking to continue working should seek the advice of legal counsel.</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 may continue. While the ESDC is considering requests for essential services designation (such forms are found here) requests by businesses to be designated essential “should only be made if they are NOT covered by the guidance.”</p> <p>For more in depth understanding of Governor Cuomo’s Order and related New York initiatives to protect the public, please see Foley’s alert New York Governor Cuomo’s Order Reducing Workplace Density Due to Coronavirus.</p> | |
| North Carolina | Construction Allowed to Continue | Effective March 27, 2020 and continuing for 30 days, Executive Order No. 121 mandates all non-essential businesses and operations to cease. Exceptions related to construction fall under (i) | |

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| | | sectors identified by CISA , and (ii) "Essential Infrastructure Operations" and "Critical Trades", including construction. | |
| Ohio | Construction Allowed to Continue | Updated on April 2, 2020 and effective from April 6, 2020 through May 1, 2020, all non-essential business and operations are ordered to cease and all individuals currently living in the state must stay at their place of residence. Exceptions related to construction fall under (i) sectors identified by CISA as essential on March 28, 2020 and (ii) "Essential Infrastructure" and "Critical Trades", which includes construction. | |
| Oklahoma | Construction Allowed to Continue | Effective at 11:59 p.m. on March 25, 2020 and updated on April 2, 2020, all businesses not defined as a "critical infrastructure sector" are ordered to close until April 30, 2020. Exceptions related to construction include (i) sectors identified by CISA as essential and (ii) "essential businesses", which includes construction. A list of "essential businesses" can be found here: Business Closures and Essential Business Information . | |
| Oregon | Construction Allowed to Continue | Effective 12:01 a.m. on March 24, 2020, all businesses are ordered to facilitate telework and work-at-home by employees to the maximum extent possible. The order does not provide a list of businesses that may stay open, rather it lists only those businesses required to close because the nature of these businesses makes it impossible to adhere to the state's required social | |

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| | | <p>distancing protocol. Construction is not listed as a business expressly required to close. Oregon has specific guidance for contractors to implement social distancing policies, available here.</p> | |
| <p>Pennsylvania</p> | <p>All Construction Suspended; Exceptions for Hospitals and Emergency Repairs</p> | <p>Effective March 19, 2020 at 8pm EST, and as amended on March 20, 2020, all "non-life sustaining businesses" in the Commonwealth of Pennsylvania are closed until further notice. This includes closures to the construction sector, including:</p> <ul style="list-style-type: none"> ▪ Construction of buildings (residential and nonresidential); ▪ Heavy and Civil Construction (utilities, land subdivisions, highways/streets/bridges, and other heavy and civil engineering) ▪ Specialty trade contractors (foundations/structures/building interiors, building equipment, building finishes and other trades). <p>The order, however, allows the construction of hospitals and emergency repairs to all buildings to continue.</p> <p>A complete list of closures by industry can be found here.</p> | |
| <p>Rhode Island</p> | <p>Construction Allowed to Continue</p> | <p>Executive Order 20-13, effective March 28, 2020, generally requires all Rhode Island residents to stay home unless traveling to work, medical treatments or obtaining necessities (food, medicine, gas, etc.). Construction is not specifically addressed for closure.</p> | |

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| Tennessee | Construction Allowed to Continue | Executive Order No. 22 , effective March 31, 2020 and extended until April 14, 2020, requires all businesses to close except for those related to essential services, which includes construction. | |
| Texas | Construction Suspended Except for CISA Exempted Work | Governor Abbott issued an order on March 31, 2020 that defines essential services to include those matters identified in the CISA guidelines , which guidance includes housing, construction related to essential services and products, energy (including renewable energy) projects, and infrastructure. The order becomes effective on April 2, 2020 at 12:01am. | <p>The following local orders are now potentially in conflict with the state order and should be analyzed:</p> <p>City of Austin and Travis County: On March 24, 2020, the City ordered businesses to cease all activities and issued guidance that substantially restricted the types of construction projects that would be permitted to continue. Shortly after Governor Abbott issued a statewide order permitting all construction projects identified in the CISA guidelines, the City offered supplemental guidance to permit all commercial and residential construction projects to continue..</p> <p>The Travis County order and supplemental guidance mirror the City of Austin order.</p> <p>For more in depth understanding of Austin’s order, please see Foley’s alert Austin, Texas Mayor Issues “Stay Home – Stay Safe” Order.</p> <p>Dallas County: Effective March 23, 2020 at 11:59 p.m., all nonessential businesses are ordered 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. The order was revised effective April 6, 2020 to extend the order through April 30, 2020, prohibit elective additions and maintenance and to impose additional safety requirements particular to construction sites, which requirements can be</p> |

| State | Construction Impact | Express Restrictions and Guidance | Local Variances and Additional Considerations |
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| | | | <p>accessed here, including mandatory temperature checks of all workers.</p> <p>Harris County: Effective March 24, 2020, and as updated on all individuals within Harris County are ordered to stay at their place of residence and all businesses, except Essential Businesses, are required to cease all activities through April 30, 2020. Residential, commercial and public works construction are listed as “Essential Businesses” and are allowed to continue.</p> <p>For more in depth understanding of Harris County’s order, please see Foley’s alert Harris County Judge Lina Hidalgo Announces a “Stay Home Work Safe” Order To Take Effect at 11:59 p.m. on March 24.</p> <p>City of San Antonio and Bexar County: Effective as of 11:59 p.m. on March 24, 2020, and continuing until 11:59 p.m. on April 9, 2020, all individuals currently living within the City of San Antonio are ordered to shelter at their place of residence and all Non-Exempt Businesses must close. Exempted Businesses include commercial and residential construction.</p> <p>The Bexar County order mirrors the City of San Antonio order.</p> |
| Vermont | Construction Suspended Except for Critical Infrastructure and COVID-19 Response | Effective March 25, 2020 at 5:00 pm, and as updated on April 2, 2020, all businesses are ordered to cease in-person operations through April 15, 2020 . Construction necessary to support the COVID-19 response and maintain critical infrastructure (including utilities, telecommunication, airports and transportation infrastructure) is exempt from the order. | |

| State | Construction Impact | Express Restrictions and Guidance | Local Variances and Additional Considerations |
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| Virginia | Construction Allowed to Continue | Executive Order No. 55 , effective March 30, 2020 and extending through June 10, 2020, generally requires all Virginia residents to stay home unless traveling to work, among other things. Construction is not specifically addressed for closure. | |
| Washington | Construction Suspended; Exemptions for Critical or Strategic Infrastructure, Housing, Emergency Repairs and Projects that Ensure Structural Integrity | Effective midnight on March 25, 2020 all residents are ordered to stay home and Non-Essential Businesses are ordered to close, except for performing minimum business operations. On April 2, 2020, the order was extended to May 4, 2020 under Order 20-25.1 . Residents and businesses exempt from the order are listed here , and include: <ul style="list-style-type: none"> ▪ Construction of critical or strategic infrastructure; ▪ 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; ▪ 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. | The Governor further clarified that commercial and residential construction are not generally permitted, other than: <ul style="list-style-type: none"> ▪ Construction related to essential activities explicitly described in the order; ▪ To further a public purpose related to a public entity or governmental function or facility, including but not limited to publicly financed low-income housing; or ▪ To prevent spoliation and avoid damage or unsafe conditions, and address emergency repairs at both non-essential businesses and residential structures. |
| West Virginia | Construction Allowed to Continue | Executive Order No. 9-20 , effective at 8:00 p.m. on March 24, 2020 and as amended April 4, 2020, mandates residents to stay home and all Non- | |

| State | Construction Impact | Express Restrictions and Guidance | Local Variances and Additional Considerations |
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| | | Essential Businesses and Operations to temporarily cease operations, except for minimum basic operations. Construction is considered an essential business and allowed to continue. | |
| Wisconsin | Construction Allowed to Continue, Optional or Aesthetic Construction Should be Avoided | 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 ordered to cease. Construction is considered an essential business and allowed to continue, except that optional or aesthetic construction should be avoided. | The State of Wisconsin order supersedes any local order that is in conflict with the order. |