

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

Updated Tuesday, March 24, 2020 @ 1:00 PM EST: Louisiana, Georgia, Maryland, Massachusetts, New Jersey, New York, Ohio, Texas and Wisconsin

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 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
California	Construction Allowed to Continue; Municipal Restrictions in San Francisco, 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 "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</p>	<p>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. 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"> Construction of commercial, office and institutional buildings, residential buildings and housing;

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		essential operation of construction sites and construction projects.	<ul style="list-style-type: none"> ▪ Airport operations, food supply, concessions, and construction; and ▪ Port operations and construction. <p>City and County of San Francisco: 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 order 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> <ul style="list-style-type: none"> ▪ Public works construction; ▪ Construction of housing (in particular affordable housing or housing for the homeless); ▪ Airport operations; ▪ Water/sewer/gas/electrical services; ▪ Oil refining; ▪ Roads and highways; ▪ Public transportation; ▪ Solid waste collection and removal; and ▪ Internet and telecommunications systems. <p>All essential business and government services that continue to operate must abide by the Social Distancing Requirements set forth in the order.</p> <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</p>

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			<p>infrastructure construction and construction of housing. In these counties, the local orders should be followed.</p> <p>Alameda, Contra Costa, Sacramento, Santa Clara, Santa Cruz, San Mateo, and Sonoma counties have all issued shelter-in-place orders that likewise classify public infrastructure and housing construction as essential businesses that can continue.</p> <p>Monterey County'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 Marin County's order uses the same language, its Health and Human Services website is reporting that:</p> <ol style="list-style-type: none"> 1. all partially completed residential construction projects can continue to completion in order to ensure health and safety; 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 3. business construction projects related to maintaining or upgrading essential business, government, or health care infrastructure may continue.
Colorado	Limited Essential Construction Allowed to Continue in San Miguel County	No statewide order affecting construction.	<p>San Miguel County, including Telluride: Effective March 21, 2020, all businesses are ordered to close, except for Essential Businesses, subject to fines or imprisonment for violation of the Order.</p>

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			<p>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; ▪ Public Welfare; ▪ Housing; ▪ Utilities; ▪ Health Care Operations; ▪ Airports; and ▪ Oil Refining. <p>Any construction allowed to proceed per the exceptions above still must adhere to the county's applicable social distancing requirements — Minimum Basic Operations (basically ensuring security) allowed to continue at residential and commercial construction sites.</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 shall issue lawfully binding guidance about which businesses are essential and those businesses shall include construction businesses.	

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Florida	Construction Allowed to Continue	No statewide order affecting construction.	<p>Miami: All non-essential retail and commercial establishments are ordered to close.</p> <p>Contractors, tradesmen and other service providers are excluded from the order to close.</p>
Georgia	Construction Allowed to Continue	Effective 12:00 p.m. on March 24, 2020 and expiring at 12:00 p.m. on April 6, 2020, all businesses are ordered to prohibit more than 10 persons from gathering at a single location if such gathering requires persons to stand or to be seated within 6 feet of any other person.	<p>Atlanta: All construction, except for public works construction, is allowed to continue per order issued on March 23, 2020 at 8:49PM.</p> <p>Athens-Clarke County, including Athens: All businesses in the county, except for Essential Businesses, are required to cease all activities, except Minimum Basic Operations, located within the County. The order includes public works construction, construction and all related 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.</p>
Idaho	Construction Allowed to Continue	No statewide order affecting construction.	<p>Blaine County: All businesses in the county, except Essential Businesses, are required to cease all activities, except Minimum Businesses Operations, located within the county. The order includes public works construction, commercial construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), and plumbers, electricians, exterminators, and other service providers who provide services necessary to</p>

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			maintaining the safety, sanitation and essential operation of the construction, as Essential Businesses.
Illinois	Construction Allowed to Continue	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.	
Louisiana	All Construction Suspended; Exceptions for Critical or Strategic Infrastructure	Effective March 23, 2020 and continuing until April 13, 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 the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA), which guidance includes “construction of critical or strategic infrastructure” as an essential worker function.	
Maryland	All Construction Suspended; Critical or Strategic Infrastructure Allowed to Continue	Effective 5:00 p.m. on March 23, 2020, all businesses are ordered closed other than those businesses that are part of the critical infrastructure sectors identified by guidance issued by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency. The guidance includes “construction of critical or strategic infrastructure” as a critical infrastructure sector.	
Massachusetts	Construction Allowed to Continue; Municipal Restrictions in Boston, Cambridge and Nantucket	Effective Tuesday, March 24, 2020 at Noon, Governor Charlie Baker has ordered 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 COVID-19 Essential Service .	Boston: Boston was the first in the nation to issue a targeted cessation of construction work. Boston suspended all permitted construction starting March 17, 2020. Projects have until Monday, March 23, 2020 to secure sites. After March 23, only skeleton crews needed for safety will be permitted for the remainder of the

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			<p>suspension. The suspension applies to all non-essential construction until further notice. Exceptions for essential/emergency construction work include:</p> <ul style="list-style-type: none"> ▪ Emergency utility, road or building work, such as gas leaks, water leaks and sinkholes; ▪ New utility connections to occupied buildings; ▪ Mandated building or utility work; ▪ Work at public health facilities, healthcare facilities, shelters, including temporary shelters and other facilities that support vulnerable populations; ▪ Work which ensures the reliability of the transportation networks; and ▪ Other work necessary to render occupied residential buildings fully habitable. <p>City will, on a case-by-case basis, review requests for exceptions and grant exceptions if they support increased public health and safety.</p> <p>City of Cambridge: Public and private construction in the City of Cambridge is suspended starting at 5pm on Saturday, March 21, 2020. Projects have until Thursday, March 26, 2020 to secure sites. Construction of one, two and three family residential projects already permitted will be allowed to continue and must practice social distancing. Limited exceptions for life safety and emergency construction work will be considered by the Commissioner of Inspectional Services or Commissioner of Public Works. Note that</p>

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			<p>exceptions must be expressly allowed before they can proceed.</p> <p>Nantucket: A moratorium is in effect on all construction with limited exceptions for emergency work.</p>
Nevada	Construction Allowed to Continue	<p>Non-essential businesses in the state are ordered to close. The order permits construction and infrastructure sector labor forces to continue operations, but only if such labor forces maintain strict social distancing practices to facilitate a minimum of six feet separation between workers, and adopt policies and practices that ensure minimum contact between the workforce and the general public.</p>	
New Jersey	Construction Allowed to Continue	<p>Effective March 21, 2020, at 9 p.m. EST, Executive Order #107 orders all non-essential retail, recreational, and entertainment businesses to close. In addition, all businesses, whether closed or open to the public, must accommodate their workforce, wherever practicable, for telework or work-from-home arrangements.</p> <p>Construction workers are included in the list of employees who need to be physically present at their work site to perform their duties.</p>	
New York	Construction Allowed to Continue	<p>Executive Order 202.8, 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 guidance 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</p>	<p>New York City: 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>forth in the ESDC’s guidance, construction is considered an essential industry and is exempt. The guidance further deems 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 here) 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 ordered 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 identified by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) as essential, “Essential Infrastructure” and “Critical Trades,” and include:</p> <ul style="list-style-type: none"> ▪ 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); ▪ Construction of critical or strategic infrastructure; and ▪ Building and construction tradesmen and tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and 	

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		<p>government properties, security staff, operating engineers, 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.</p>	
<p>Pennsylvania</p>	<p>All Construction Suspended</p>	<p>Effective March 19, 2020 at 8pm EST, all "non-life sustaining businesses" in the Commonwealth of Pennsylvania are closed until further notice. This includes all types of construction, 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>A complete list of closures by industry can be found here.</p>	<p>The Pennsylvania statewide order came only days after Philadelphia Mayor Jim Kenney exempted construction activity from the mandatory closure of all nonessential businesses in Philadelphia.</p>
<p>Texas</p>	<p>Construction Allowed to Continue</p>	<p>Effective March 20, 2020 at 11:59 p.m., schools shall temporarily close and all persons are ordered to:</p> <ul style="list-style-type: none"> ▪ Avoid social gatherings of more than 10 people; ▪ Avoid eating or drinking at bars and restaurants, or visiting gyms or massage parlors; and ▪ Not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance. 	<p>Dallas County: Dallas County has also issued local rules that comport with the state order. Effective March 23, 2020 at 11:59 p.m., all non-essential businesses operating within Dallas County are ordered to cease all activities at facilities located within the County.</p> <p>“Essential businesses” mean “essential critical infrastructure,” which includes:</p> <ul style="list-style-type: none"> ▪ public works construction ▪ residential and commercial construction ▪ airport operations ▪ water ▪ sewer

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			<ul style="list-style-type: none"> ▪ gas, electrical ▪ oil refining ▪ roads and highways ▪ public transportation ▪ solid waste collection and removal ▪ internet, and telecommunications systems ▪ financial institutions ▪ defense and national security-related operations essential manufacturing operations. <p>Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing requirements of six feet.</p> <p>It is being reported that Harris County Texas (Houston), San Antonio, and Austin are planning to issue similar orders to that issued by Dallas County.</p>
Wisconsin	<p>Construction Allowed to Continue, But Optional or Aesthetic Construction Should be Avoided</p>	<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 ordered to cease. Exceptions related to construction fall under sectors identified by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) as essential, "Essential Infrastructure" and "Critical Trades", and include:</p> <ul style="list-style-type: none"> ▪ 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, 	<p>The State of Wisconsin order supersedes any local order that is in conflict with the order.</p>

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		<p>except that optional or aesthetic construction should be avoided);</p> <ul style="list-style-type: none"> ▪ Construction of critical or strategic infrastructure; and ▪ 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. <p>Construction businesses shall, to the greatest extent feasible, comply with Social Distancing Requirements as set forth in the order and comply with DHS guidelines for businesses located here.</p>	