

Bay Area, California

On March 31, 2020, the Health Officers for Alameda, Contra Costa, Marin, Santa Clara, San Francisco, San Mateo, and Berkley, California, issued shelter in place Orders effective March 31, 2020, at 11:59 p.m., through May 3, 2020. The Orders direct residents to shelter in place and to only leave their homes for “Essential Activities,” including going to work at an “Essential Business.”

The Orders define construction as an “Essential Business,” but only as follows:

Construction, but only of the types listed in this subparagraph below:

1. Projects immediately necessary to the maintenance, operation or repair of Essential Infrastructure;
2. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response;
3. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
4. Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
5. Shelters and temporary housing, but not including hotels or motels;
6. 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;
7. 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
8. 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;

The Orders also consider essential “Hardware stores;” “Plumbers, electricians. . .and other service providers who provide services that are necessary to maintaining the habitability, sanitation, and operation of residences and Essential Businesses, but not for cosmetic or other purposes;” and “Businesses that supply other Essential Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Essential Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts.”

The Orders indicate that failures to comply are “punishable by fine, imprisonment, or both.”