Monday, March 30, 2020

Many states, counties, and cities have issued “stay-at-home” or “shelter-in-place” (collectively, SIP) orders to combat the spread of COVID-19. Below we are providing updates focusing on the impact these sweeping orders could have on new and ongoing construction projects in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas. As with all the effects of COVID-19, the issuance, interpretation, and enforcement of these orders are fast-breaking and in constant flux.

To view Jones Walker LLP’s construction team’s full summary on the impact of state and local “Stay-at-Home” or “Shelter-in-Place” orders on construction in AL, FL, GA,
LA, MS, and TX, click here.

**ALABAMA:**

On Friday, March 27, 2020, the governor and the Alabama Department of Public Health issued an Amended Public Health Order applicable statewide and limiting meetings of 10 people or more and requiring certain “non-essential businesses” to be closed to the public. However, employees are still permitted to report to work at these non-essential businesses. Importantly, the Amended Public Health Order does not apply to the construction industry. All non-essential businesses subject to this order are listed in the Amended Public Health Order.

**FLORIDA:**

Orange County (Orlando) (effective March 26, 2020)

- As with the Miami-Dade order, open construction sites are allowed to remain open, and architectural and engineering businesses are considered essential. Unlike the Miami-Dade order, there is no limitation that the architectural/engineering business may only operate for ongoing construction projects. Keep track at this Orange County webpage. Hillsborough County (Tampa) (effective March 27, 2020)

- This order allows people to leave their residences for purposes of providing any services or perform any work necessary to operate, maintain, and repair Essential Infrastructure. Among other things, Essential Infrastructure includes “construction.” Keep track at this Hillsborough County webpage.

**GEORGIA:** No updates since our last post here.

**MISSISSIPPI:**

On Thursday March 26, 2020, Mississippi’s governor issued a supplement to executive order No. 1463. The supplementation clarified that previously issued executive order No. 1463 provided the minimum applicable restrictions, and was not intended to prevent local governments from enacting more stringent rules and regulations.

The Mississippi Emergency Management Agency (MEMA) is maintaining a list of city and county stay-at-home or social distancing orders regarding COVID-19. The MEMA list is a working list that is updated as municipalities submit paperwork. There is a lag between when a local order is enacted or revised and when it appears on MEMA’s webpage.

**LOUISIANA:** No updates since our last post here.

**TEXAS:**

Dallas County issued a new order directed at construction activities, in an attempt to clarify that construction is essential and the “Stay Home, Stay Safe” order was
not intended to stop commercial construction activities. The order provides that “construction for public works, residential, commercial, and schools” are critical infrastructure and deemed essential. “Elective additions and maintenance are prohibited.”

Further, it provides various requirements for all general and subcontractors, including mandatory temperature checks before workers leave home; soap, water, and hand sanitizer at the workplace; rest breaks every four hours; at least one (1) working, flushing toilet for every fifteen (15) workers on site and one (1) outdoor portable toilet for every ten (10) workers onsite. General and subcontractors must have a designated COVID-19 safety monitor on each site, and that person must have the authority to enforce the rules in the order. It also prohibits employers from taking adverse action “against an employee who has been quarantined, or advised to self-quarantine, due to possible exposure to coronavirus.” Finally, it makes the general contractor at a site responsible for compliance by all subcontractors. If an entity fails to comply, “the general contractor and non-compliant subcontractor can be removed from the essential business list.”

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