

Contractors Considered Essential Workers during Shelter-in-Place Orders

Amundsen Davis Construction Alert
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Across the country, various jurisdictions have issued orders requiring citizens to stay at home or at their place of residence unless an exemption applies. Roofing contractors and other businesses that utilize insurance funded home repairs continuing to operate with shelter-in-place directives due to the COVID-19 pandemic may be contemplating adjusting their sales methods or temporarily halting operations.

In most jurisdictions, leaving home for Essential Activities (as defined by each individual order) such as providing essential products and services is permitted.

Pursuant to section 9 of the Stay at Home Order issued by Governor Pritzker on March 20, 2020 (the "Illinois Order") individuals may leave their residence to provide services or perform any work related to Essential Infrastructure (as defined in the Illinois Order). Work related to Essential Infrastructure includes, without limitation, construction work. Section 12 of the Illinois Order defines Essential Business Operations and Essential Infrastructure. Section 12.h specifically states that building and construction tradesmen and tradeswomen who provide services necessary to maintaining the safety, sanitation and essential operation of residences are among those exempt from the restrictions on travel set forth in the Illinois Order.

Companies that operate by targeting weather events geographically should use caution when considering utilizing interpersonal means of communications to solicit potential customers. The exceptions for construction work contained in the various shelter-in-place orders are not unlimited. Personal solicitation of construction services may be considered unnecessary to maintain the safety, sanitation and essential operation of residences. The Illinois Order allows contractors to conduct work necessary under section 12.h when contacted to do so by a customer. Contractors considering electronic means of solicitation are required to comply with local, state and federal communication laws and regulations.

The specific provisions of the Stay Home Orders issued around the country vary from one jurisdiction to the next, and contractors should review the specific stay at home orders governing their jurisdiction before considering what sales methods to engage. Contractors in states which have not issued state-wide stay

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home orders should review the stay home orders issued for each county and municipality in which they operate.

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