

Shelter In Place Executive Order

This morning Governor Whitmer issued an Executive Order which starts at 12:01 AM tomorrow and runs through April 13th, to suspend activities that are not necessary to “*sustain or protect life*” for the next three weeks. Her order is to be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.

Under the governor’s order, all individuals currently living within the State of Michigan must stay at home or at their place of residence. All public and private gatherings of any number of people occurring among persons not part of a single household are prohibited. *No person or entity is allowed to operate a business or conduct operations that require workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life or to conduct minimum basic operations.*

While residential construction was not specifically listed as an exempt activity, the Executive Order also stated “*For purposes of this order, critical infrastructure workers are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in his guidance of March 19, 2020 on the COVID-19 response (<https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>).*”

The letter from the Director Cybersecurity and Infrastructure Security Agency mentions “*working construction,*” among those “*services essential to continued critical infrastructure viability.*” It further exempts “*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 residences.*”

At this point we are uncertain just how the Executive Order actually affects residential construction. We are seeking clarification from the Administration on the issue of what residential construction may be allowed and under what circumstances.

This unprecedented situation is changing hour by hour. We expect to have some clarification before Executive Order goes into effect. The best advice we can offer is that of Winston Churchill: “*Keep calm and carry on.*” Don’t act in haste as you make decisions about the operation of your business. Take some time to see what tomorrow brings