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TO: Area Chiefs

FROM: Chris Becker

A handwritten signature in black ink, appearing to be "CB", is written over the printed name "Chris Becker".

RE: Residential Construction

On March 23, 2020 Governor Gretchen Whitmer issued Executive Order 2020-21 which provides for the temporary suspension of activities that are not necessary to sustain or protect life. This order provides that all individuals within the State of Michigan are ordered to stay at home or at their place of residence with limited exceptions. It also provides that no person or entity shall 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 basic minimum operations.

Yesterday, the Governor came out and stated that residential construction is not exempt from that order. Clearly, any residential construction that is continuing should cease until this Executive Order has expired. However, even under this executive order, an exemption is made for workers who "are necessary to conduct minimum basic operations," and whose presence is necessary to "allow the business or operation to maintain the value of inventory and equipment ... (and) ensure security."

A reasonable amount of time should be allowed to these residential builders to protect and preserve projects that were suspended due to the Governor's order. I am envisioning things that may be done in the next 7 days. There are construction supplies like tools or materials at work sites that need to be removed to prevent theft, fencing that may need to be placed around open foundations for safety, even tarping or placing of plywood or covering over doors and windows to prevent access while there is no work. Obviously, this work should be done with the minimum amount of people necessary, and adhere to the social distancing practices and mitigation measures to protect those workers as much as possible.

There is no way to come up with a complete list of what is allowable, and what is not allowable, in order to protect and preserve an open construction project. Each project is different, and has different things that may need to be done to preserve inventory or ensure security. It must be perfectly clear however that nothing in this authorizes continued construction to complete a project. If you receive a complaint you may investigate it and send it down to our office for review. If companies engage in further construction it may be viewed as a violation of the Executive Order, and this office may charge a misdemeanor punishable by up to 90 days in jail and/or a \$500 fine per violation. If you wish, please feel free to share this with any builders or construction workers who have questions.