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March 27, 2020

Illinois "Stay-at-Home" Order Permits Many Categories of Construction to Continue

On March 20, 2020, Governor of Illinois JB Pritzker, issued an [executive order](#) requiring Illinois residents to stay at home and limiting business activities which may remain open to "Essential Businesses and Operations." This update focuses on the impact of these restrictions on the construction industry.

Construction as "Essential Infrastructure" and "Essential Businesses and Operations"

Essential Infrastructure and Essential Businesses and Operation are among the Essential Activities which are not required to cease in-person operations and for which individuals are permitted to leave their residences. Construction work is permitted to continue under both categories. Certain types of construction, such as hospitals, long-term care facilities, public works, and housing, are specifically identified as subcategories of Essential Infrastructure. The Order does not limit permissible construction to these subcategories, rather it directs the Essential Infrastructure definition to be "construed broadly," indicating that other construction associated with any category of Essential Infrastructure is permitted.

Additionally, Building and Construction Tradesmen and Tradeswomen are identified as members of critical trades. As construction workers are members of critical trades and part of Essential Business and Operations, employees are able to travel freely to and from job sites as necessary.

Other Residential and Construction-Adjacent Services Are Deemed "Critical Trades"

"Cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation and essential operation of residence, Essential Activities, and Essential Businesses and Operations" are also named as critical trades, allowing such construction-adjacent work to continue.

Social Distancing Requirement for Construction Activities

While the order allows construction activities to continue, it also requires that businesses follow certain precautionary measures. Specifically, all permitted businesses are required to comply with Social Distancing Requirements to the extent possible. These requirements include maintaining a six-foot social distance between individuals, including employees, providing hand sanitizer and sanitizing products, and regularly cleaning high-touch surfaces.

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