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COVID-19

Updates & News

Update – Construction is “Non-Life-Sustaining” in Pennsylvania

Last night, Pennsylvania Governor Tom Wolf issued a new order mandating all “non-life-sustaining” businesses to close by 8 p.m. in an effort to stop the spread of COVID-19.

Pennsylvania defines “construction” as a “non-life-sustaining business” and requires a shutdown of all construction projects and a closure of all physical locations of construction businesses across the Commonwealth.

Enforcement actions against businesses that do not close physical locations will begin Saturday, March 21 at 12:01 a.m. and could include citations, fines and license suspensions.

Governor Wolf’s order is one of the broadest and harshest in the country to date. In comparison, under California Governor Gavin Newsom’s “shelter in place” order, there is an exemption for most construction such as, “essential infrastructure, construction, public transportation, and utilities.” Other states are likely to issue a wide variety of orders impacting ongoing construction projects. The situation is fluid and subject to change.

However, under Governor Wolf’s order, “non-life-sustaining businesses” can operate only if their employees are working remotely according to the order. In the construction industry, work can hardly be done remotely, and projects will be shut down as a result of the order. Business owners who want to seek a waiver regarding Governor Wolf’s closure order may email: RA-dcexemption@pa.gov

A project shutdown could be an event of force majeure, constitute a “suspension for convenience,” or governmental action, which could entitle a contractor to additional time and money to complete the project.

While Governor Wolf’s order means that DFL’s physical office is closed as well, we are continuing to operate remotely and can be reached by email, cell phone and we will be checking our voicemail regularly.

If you have a question about this or any business matter, please contact Aubrey Hiskey of DFL Legal at ahiskey@dflegal.com or (412) 926-1825.

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