

Sweeney Mason

LLP

Coronavirus (COVID-19) Update:

Santa Clara County Issues Updated Shelter-in-Place Order Narrowing Permissible Construction Activities

On March 31, 2020, the County of Santa Clara issued an updated “shelter-in-place” order, extending the existing order to and through May 3, 2020, and providing further restrictions and clarifications regarding specific activities permissible under the updated order.

Regarding construction, the updated order provides a narrow set of projects and activities that are permissible during the shelter-in-place period. These include and are limited to:

- Projects immediately necessary to the maintenance, operation, or repair of Essential Infrastructure (“Essential Infrastructure” includes airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services));
- Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response;
- Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
- Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
- Shelters and temporary housing, but not including hotels or motels;

- Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
- Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and
- Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed.

(Capitalized terms are defined elsewhere in the updated order).

Some limited, essential home improvement and landscape projects are also permitted under the updated order. The updated order can be viewed [here](#).

Sweeney Mason LLP expects other local counties to follow shortly with updated orders that closely track Santa Clara's updated order.

Sweeney Mason LLP continues to monitor the rapidly evolving situation pertaining to the COVID-19 virus and resulting legal issues. We are finding that the laws and orders released by the Federal, State, County and Local governments are, in some cases, ambiguous, vague and/or contradictory, resulting in some confusion among a broad cross-section of our clients. At this juncture, and given the fast-paced changes to the applicable orders and mandates, as well as the ambiguities inherent in the orders there is no "one-size-fits-all" approach to COVID-19-related legal matters. For example, several Bay Area Cities impose their own emergency orders that mirror but in many cases are more stringent than the Statewide or County orders. As a result, contracts, employment issues, ongoing lawsuits and other matters impacted by the COVID-19 outbreak should be analyzed on a case-by-case basis and with the assistance of Sweeney Mason.

Sweeney Mason LLP is in daily contact with governmental offices and various trade organizations to monitor the developments surrounding the COVID-19 outbreak. While much of our personnel continues to work remotely, Sweeney Mason is fully operational and will continue to assist our clients and community with their legally related issues and concerns during this uncertain time.

For more information, please contact us at 408-356-3000 or via email as follows: Joseph Sweeney (jsweeney@smwb.com), Christopher Olson (colson@smwb.com), Scott Mangum (smangum@smwb.com), William Kaufman (wkaufman@smwb.com), or M. Jonathan Robb (jrobb@smwb.com).

The following links may assist you in evaluating some of the issues you may have. Stay safe!

DOL Publications:

[FFCRA FAQs](#)

[FFCRA Required Notice](#)

CDC Guidelines:

[Interim Guidance on Risk Assessment for Individuals with Possible COVID-19 Exposure](#)

[Interim Guidance for Businesses and Employers](#)

OSHA:

[Preparing Your Workplace for COVID-19](#)

California:

[Stay at Home Order](#)

[EDD COVID-19 Overview](#)

[EDD COVID-19 FAQs](#)

Santa Clara County:

[Updated Shelter-in-Place](#)

[Shelter-in-Place Order](#)

[Public Health Department FAQs on the Shelter in Place Order](#)



The information provided in this publication is general in nature and is not intended to answer every question that may arise under different fact situations and should not be relied on in the place of professional advice in a given case. If you have specific questions, please contact Sweeney Mason LLP.

SWEENEY MASON LLP's philosophy is that by educating our clients, and other businesses, about their legal obligations, including changes in the law, we best serve our legal goal of minimizing or preventing expensive litigation.

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