

# HOT TOPIC #8: March 27th

## Construction Guidance under the Governor's Stay Home, Stay Healthy Proclamation

*COVID-19 updates from San Juan County around subjects on the minds of islanders*

We are hearing a lot of questions about which construction activities are allowed under the Governor's [Stay at Home, Stay Healthy Proclamation \(20-25\) issued March 23, 2020](#) and his [subsequent memorandum](#) on Construction Guidance –Stay Home, Stay Healthy Proclamation (20-25).

There are many construction activities authorized by the order, such as:

- work that supports essential public works facilities and operations,
- construction of fiber optic cables;
- construction of essential facilities such as grocery stores, hardware stores, transportation infrastructure and publically financed low income housing;
- plumbers, electricians, exterminators, and other service providers who are providing services necessary to maintain the safety, sanitation, and essential operation of residences; and
- work that supports road and line clearing to ensure the availability of needed facilities, transportation, energy and communications

The construction guidance memorandum states that “In general, commercial and residential construction is not authorized under the Proclamation because construction is not considered to be an essential activity.” However, an exception to the order allows for construction in the following limited circumstances:

- a) Construction related to essential activities as described in the order;
- b) To further a public purpose related to a public entity or governmental function or facility, including but not limited to publicly financed low-income housing; or
- c) To prevent spoliation and avoid damage or unsafe conditions, and address emergency repairs at both non-essential businesses and residential structures.”

### **Who determines whether a construction activity is essential?**

It is the responsibility of the individual construction business owner to determine whether their projects meet one of the exemptions and their workers are considered essential. We recommend that business owners fill out the “Essential Business Inquiries Form” found on Governor's COVID-19 Resource web page to do this: <https://app.smartsheet.com/b/form/d4c155fa930f4b848f95774d610c9708>

### **Can I still get an inspection?**

San Juan County will continue to provide building and septic inspections services upon request because exempted construction activities, and work by homeowners, both require inspection. We will not determine whether the activity is exempt because that is the responsibility of the construction contractor. The following inspections **WILL NOT** be performed for non-essential facilities:

- Foundation/footing/setback inspections for new or replaced structures or additions;
- Commercial burn permit inspections;
- Installation inspection for a new septic system (repairs will be allowed)
- Well site inspection for new well on vacant property

Our inspectors will maintain 6 feet of distance from others on the job site and offer Skype Building Inspections for inspections that will occur within an occupied building. Our inspectors will not inspect on a jobsite where anyone is visibly ill or symptomatic or within an occupied building.

### **Can I still get a permit?**

San Juan County is still accepting, reviewing and issuing permits, however you may not be able to start construction on your project while the order is in place. The following permits are impacted:

- Vacation rental permits **will not be issued** during the duration of the San Juan County Health Officer's order limiting transient accommodations.
- Commercial burn permits **will not be issued** while Proclamation 20-25 is in force because enforcement of these permits falls to our emergency responders who are needed to respond to medical emergencies at this time.

### **What construction activities are allowed?**

It is the responsibility of the contractor to determine whether the work they are doing is permissible as described in the [appendix to Proclamation 20-25](#). However, here are some examples of what we consider to be "Construction to prevent spoliation and avoid damage or unsafe conditions, and address emergency repairs at both non-essential businesses and residential structures":

- Repair of plumbing, mechanical and electrical systems in existing occupied residences;
- Repair and maintenance of existing interior and exterior stairs and other similar projects addressing life/safety issues;
- Completion of framing necessary to prevent structural collapse or material spoilage;
- Activities to protect an existing structure or structure under construction from weather damage, such as replacing broken windows;
- Repair roof or re-roof existing building;
- Repair or replace septic systems for existing building;
- Backfill or stabilization of active construction sites as necessary to prevent environmental degradation;
- Removal of dead or diseased trees which are an immediate hazard to an existing building.