



**STAY HOME – WORK SAFE
ORDER 20200324-007**

Guidance for the Construction Industry

This document provides guidance for persons and business associated with the building and construction industries and trades on the meaning and application of Order 20200324-007 issued by the Mayor of the City of Austin on March 24, 2020 (the “Order”).

1. Critical Infrastructure. The Order requires that businesses cease activities at all locations within the City except at certain types of operations, including those defined as “Critical Infrastructure.” In the Order, “Critical Infrastructure” means “all public and private facilities. . . vital to the security, governance, public health, safety, and economic security of the City of Austin.” The fundamental test for determining whether any business or operation is Critical Infrastructure is whether it meets this definition.

2. Construction as Critical Infrastructure. The Order provides that some types of construction activities are Critical Infrastructure. In general, commercial and residential construction activities are prohibited under the Order except in the very limited situations where the construction involves one of the specific types of essential and critical facilities listed in Exhibit B, Part 2.p. of the Order. This list includes only:

- Public works construction projects
- Affordable housing projects
- Construction of facilities for individuals experiencing homelessness
- Construction of facilities that provide social services
- Construction of facilities that are defined in the Order as Essential Businesses, Essential Government Functions, or Critical Infrastructure
- Construction of facilities specifically required by the City in response to the current COVID-19 emergency

For purposes of clarification, if part of a construction project falls within one of the listed categories above, but the project also includes other construction activities at the same site that do not fall within one of these categories, all construction activities at the project will be deemed to meet the definition of Critical Infrastructure under the Order.

3. Requirements for Construction Businesses and Activities. For construction activities that fall within one of the Critical Infrastructure categories listed above, all employers involved in the construction activity must follow the requirements in Exhibits A and B of the Order.

4. Transition Time. The Order becomes effective for all Austin businesses and activities as of 11:59 p.m. on March 24, 2020. However, recognizing that many construction sites and projects require a period of time to close down safely, the City will not cite a construction business or operator for a violation of the Order occurring prior to 11:59 p.m. on March 27 if the business or operator can demonstrate that all activities after the effective date of the Order were undertaken to close down the construction project or activity as safely and quickly as possible.

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