

**CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS**

**EMERGENCY REGULATION MODIFYING RESTRICTIONS
REGARDING THE PERIODS OF AUTHORIZED CONSTRUCTION WORK
FOR CERTAIN TYPES OF PROJECTS UNDER CERTAIN CONDITIONS**

On March 22, 2020, as part of a series of emergency declarations and orders, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and Congregation of Persons to Prevent the Spread of COVID-19 (“Emergency Order”). On March 23, 2020, the Governor of Pennsylvania issued a Stay at Home Order that applies to Philadelphia and numerous surrounding counties and which limited the operations of non-life sustaining businesses. The City’s Emergency Order was approved as a regulation of the Board of Health on March 26, 2020 (effective March 27, 2020) and the Board of Health further expressly authorized the Health Commissioner to issue such additional orders as the Health Commissioner determines are necessary or appropriate control or prevention measures to limit the spread of COVID-19.

On April 20, 2020, the Governor and the Secretary of Health of the Commonwealth issued amendments to their March 19, 2020 orders concerning the closure of business that are not life sustaining to authorize, inter alia, “limited construction activity” that would be authorized to commence in-person operations beginning on May 8, 2020, provided such activity followed strict guidance related to mitigation measures described by the federal Centers for Disease Control and Prevention and the requirements of the Pennsylvania Secretary of Health’s April 15, 2020, Order “Directing Public Health Safety Measures for Business Permitted to Maintain In-person Operations.” On April 23, 2020, the Governor issued a document entitled “Guidance for Businesses in the Construction Industry Permitted to Operate During the COVID-

19 Disaster Emergency,” which stated that, absent the establishment or maintenance of more stringent requirement by local governments, such limited construction activity could begin on May 1, 2020, and provided additional detail regarding safety and mitigation measures required to be followed in connection with such construction activity.

On April 29, 2020, the Mayor and the Health Commissioner amended the Emergency Order to provide an Authorization for the Conduct of Certain Construction Activity Currently Prohibited by the Emergency Order (“Limited Construction Authorization”). The Limited Construction Authorization permitted work to recommence on certain construction projects for which a building or demolition permit was issued by the City of Philadelphia on or before March 20, 2020 during certain time periods provided certain safety and mitigation requirements are followed. On May 11, 2020 the Mayor and the Health Commissioner delegated authority to the Commissioner of the Department of Licenses & Inspections to, *inter alia*, interpret, issue guidance, and relax the periods of authorized work and provided for under the Limited Construction Authorization.

The Philadelphia Department of Licenses and Inspections has determined that it is in the best interest of the City and its residents to modify Section 2 of the Limited Construction Authorization to revise the time limitations on work on construction projects that do not involve One- or Two-family Dwellings (R-3 occupancies). This is being done to facilitate work on commercial and large residential projects in a manner that will permit adherence to safety requirements such as the social distancing and worker limitation restrictions, allowing for the use of staggered shifts. The Department therefore adopts the following emergency regulation:

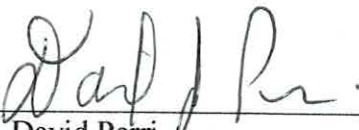
1. The time period limitations of Section 2 of the Limited Construction

Authorization (“Periods of Authorized Work”) shall only apply to work performed on or in connection with one- or two-family dwellings (R-3 occupancies), and shall not apply to other construction projects, provided that: (a) such other construction activity must strictly comply with Section 3 of the Limited Construction Authorization (“Safety and Mitigation Requirements”); and (b) such other construction must comply with all other applicable requirements of the law, such as the noise limitations of Chapter 10-400 of The Philadelphia Code (“Noise and Excessive Vibration”), when it occurs outside of the time periods for “regular construction” as defined therein.

2. The failure to comply with any applicable provision of the Limited Construction Authority shall be strictly enforced and may lead to the issuance of violation notices, stop work orders, the imposition of fines, the revocation or suspension of licenses, and any other remedies available under law.

3. This emergency regulation does not otherwise modify the Limited Construction Authorization, authorize additional construction projects, or impose requirements on essential construction that was authorized prior to the Limited Construction Authorization.

4. Based on the Mayor’s March 11, 2020, Declaration of Extraordinary Circumstance that allows regulations related to addressing the pandemic to become effective immediately upon transmission to the Department of Records, this emergency regulation shall be effective immediately.

By: 
David Perri
Commissioner
Department of Licenses & Inspections
City of Philadelphia

Date Signed: May 13, 2020