



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GRETCHEN WHITMER  
GOVERNOR

GARLIN GILCHRIST II  
LT. GOVERNOR

March 27, 2020

***VIA EMAIL***

The Honorable Mike Shirkey  
Senate Majority Leader  
Michigan Senate  
P.O. Box 30036  
Lansing, Michigan 48909

Leader Shirkey,

Thank you for your letter seeking guidance on how Executive Order 2020-21 applies to construction work. You ask about the permissibility of emergency construction activities and of work on construction projects that were already underway at the time the order was issued.

Under Executive Order 2020-21, some limited forms of construction are permissible, including construction to maintain and improve roads, bridges, telecommunications infrastructure, and public health infrastructure (such as the creation or expansion of hospitals or other medical facilities to provide or support the provision of necessary care during the emergency). Construction workers may also undertake projects that are necessary to maintain the safety, sanitation, and essential operations of a residence during the emergency; any non-emergency maintenance or improvements to residences is not permitted. In addition, a business may designate a construction firm under section 9(b) of the order to provide necessary support to the work of that business's critical infrastructure workers.

Construction projects that do not meet these criteria cannot be started or progressed while the order is in effect. This includes any such projects that were already underway at the time the order was issued. For those projects, workers are permitted on site only to carry out "minimum basic operations" under section 4(b) of the order. This work is limited to in-person tasks that are strictly necessary to preserve the current condition of the project while the order is in effect, such as putting in place temporary security and weatherization

measures. All other in-person work on the project must cease until the restrictions of the order are lifted and normal operations resume.

Lastly, as your letter duly observes, all in-person construction work that is carried out while the order is in effect, including the minimum basic operations on projects that may not be progressed at this time, must be done in accordance with section 5 of the order, including the mitigation measures listed in section 5(c).

I understand the challenges that come with these temporary restrictions on normal operations. These, however, are not normal times. The COVID-19 pandemic poses an immediate and unprecedented threat to the health and safety of this state and its residents. To have any hope of meaningfully limiting its impact and averting needless deaths, we all must act as quickly and aggressively as possible. I appreciate all that you and your constituents are doing to protect the public health of this state during this crisis, despite the many sacrifices it currently requires; we will make it through these challenging times, together.

Sincerely,

A handwritten signature in blue ink that reads "Gretchen Whitmer". The signature is written in a cursive style with a large initial "G".

Gretchen Whitmer  
Governor