



ALERTS

Michigan's Governor Permits Real Estate And Construction Operations To Resume, With Conditions

May 5, 2020 | [Southeast Michigan](#) | [Grand Rapids](#)

Highlights

Michigan Gov. Whitmer eases some restrictions on shelter in place orders by permitting certain industries to resume business operations effective May 7, subject to stringent cautionary measures

The order permits the real estate industry to resume operations subject to certain social distancing conditions

Construction activities are also permitted to resume, so long as a number of measures and protocols concerning social distancing, wearing protective gear, cleaning, and disinfecting are followed

Michigan Gov. Gretchen Whitmer recently signed [Executive Order 2020-70](#), which eases certain restrictions in the prior "Stay Home, Stay Safe" orders and allows resumption of some types of work that present a very low risk of infection, including construction, real estate activities and work that is traditionally and primarily performed outdoors.

These workers will be permitted to resume operations effective May 7, 2020.

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Businesses Permitted to Resume Operations

The new order's restrictions [continue to be construed broadly](#) to prohibit in-person work that is not necessary to sustain or protect life; however, it now permits businesses that employ workers in the following categories (referred to as "resumed activities") to perform in-person operations:

- Work that is traditionally and primarily performed outdoors, including but not limited to forestry workers, outdoor power equipment technicians, parking enforcement workers, and those in similar fields
- Workers in the construction industry, including building trades such as plumbers, electricians, HVAC technicians, and similar workers
- Workers in the real estate, including agents, appraisers, brokers, inspectors, surveyors, and registers of deeds
- Workers necessary to manufacture goods that support workplace modification to forestall the spread of COVID-19 infections

Conditions for the Real Estate Industry

For those in the real estate industry, operations may resume, but realtors still are not permitted to hold in-person open houses. Further, the order requires that any showings, inspections, appraisals, photography or videography, or final walk-throughs must be performed by appointment and must be limited to no more than four people on the premises at any one time. Private showings may only be arranged for owner occupied homes, vacant homes, vacant land, commercial properties, and industrial properties.

Conditions for the Construction Industry

The order places several conditions on the resumption of construction activities. These businesses must abide by the following additional measures when performing business operations:

- Prohibit gatherings of any size in which people cannot maintain six feet of distance from one another
- Require face shields or masks to be worn when workers cannot consistently maintain six feet of separation from other workers
- Limit in-person interaction with clients and patrons to the maximum extent possible
- Provide personal protective equipment such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed
- Provide instructions for the distribution of personal protective equipment and designate on-site locations for soiled masks

- Encourage or require the use of work gloves, as appropriate, to prevent skin contact with contaminated surfaces
- Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible
- Ensure frequent and thorough cleaning of tools, equipment, and frequently touched surfaces
- Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite
- Designate a site-specific supervisor (that must remain on-site during activities) to monitor and oversee the implementation of COVID-19 control strategies
- Conduct a daily screening protocol for workers and visitors entering the worksite, including a questionnaire covering symptoms and exposure to people with possible COVID-19, together with, if possible, a temperature screening
- Create dedicated entry point(s) at every worksite, if possible, for daily screening, or in the alternative, issue stickers or other indicators to workers to show that they received a screening before entering the worksite that day
- Identify choke points and high-risk areas where workers must stand near one another (such as hallways, hoists and elevators, break areas, water stations, and buses) and control their access and use (including through physical barriers) so that social distancing is maintained
- Notify contractors (if a subcontractor) or owners (if a contractor) of any confirmed COVID-19 cases among workers at a worksite
- Restrict unnecessary movement between project sites
- Create protocols for minimizing personal contact upon delivery of materials to the worksite

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