

COVID-19 Bay Area Shelter-in-Place Order and Local Government Status

On March 31, seven Bay Area counties issued stricter shelter-in-place orders and extended their effectiveness to at least May 3 (collectively, the "Orders"). As of the morning of April 2, Napa County noted that it will be joining the other Bay Area counties. Solano County extended the effectiveness of its order, but declined to tighten restrictions.

The Orders further restrict permissible personal activity and identify the types of activities that qualify as essential work and services. While the Statewide order and most Bay Area counties previously exempted construction work, almost all construction activity must now halt. The Counties of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, Sonoma, and the City and County of San Francisco, have ordered all construction activity to stop, except:

- Projects immediately necessary for the maintenance, operation, or repair, of Essential Infrastructure (e.g. airports, utilities, roads and highways, public transit, waste facilities, telecommunications, etc.);
- Projects associated with Healthcare Operations as long as construction is "directly related to the COVID-19 response;"
- Affordable housing that is or will be income-restricted, including developments containing at least 10% income-restricted units;
- Public works projects specifically designated as an Essential Governmental Function by the lead governmental agency;
- Shelters and temporary housing, but not hotels or motels;
- Projects immediately necessary to provide critical non-commercial services to the homeless, elderly, economically disadvantaged, and persons with special needs;
- Construction necessary to safely and securely close down construction sites subject to these Orders;
- Construction or repair necessary to ensure residences and buildings containing Essential Businesses are safe, sanitary, or habitable, to the extent that construction or repair cannot reasonably be delayed.

The County of Sonoma adopted identical restrictions on construction activity, but additionally exempts construction or debris removal activities related to wildfire recovery. Except in very limited cases of essential infrastructure and construction work, these Orders essentially halt all residential and commercial construction in the Bay Area until May 3, at the earliest.

The Essential Businesses definition has been updated to exclude businesses that supply products for those working remotely. However, providers that enable residential transactions remain essential, including real estate agents, escrow agents, notaries, and title companies. Reviewing a new listing must occur virtually, or to the extent

infeasible, by appointment with no more than two visitors at a time. Under the Orders, all Essential Businesses must prepare, post, and implement a "Social Distancing Protocol" for each of their facilities.

Due to the Orders, most agencies have closed their offices and are operating with limited staffing, or are conducting business remotely. The following counties are operating as follows:

Jurisdiction	Body/Department	Status
Alameda County	Board of Supervisors	Meetings held via teleconference
	Planning Commission	Meetings cancelled until further notice
	Planning Department	Offices closed to public; offering online, mail, and telephone services. Accepting applications; reviews by appointment.
Contra Costa County	Board of Supervisors	Meetings held via teleconference
	Planning Commission	"Recommended" cancellation of commission meetings
	Conservation and Development Department	Some applications and permits processed and construction inspections for some projects with active building permits. Programs and services operate remotely.
Marin County	Board of Supervisors	Meetings held via teleconference
	Planning Commission	Upcoming meeting cancelled.
	Community Development Agency	Office closed to public. Agency responding via phone or email. Appointments for application submittal.
Napa County	Board of Supervisors	Meetings held via teleconference
	Planning Commission	No update provided.
	Planning Division	Permit center on a limited basis and by appointment only. Applications submitted electronically. Staff by phone and email.
San Francisco City and County	Board of Supervisors	Meetings held via teleconference
	Planning Commission	Meetings suspended.
	Planning Department	Offices closed. Applications may be filed online. Staff available via email.
San Mateo County	Board of Supervisors	Meetings held via teleconference
	Planning Commission	Meetings suspended.

	Planning & Building	Office closed. Appointments available online. Applications accepted online. Expect significant processing delays.
Santa Clara County	Board of Supervisors	Meetings "may be cancelled on a case-by-case basis" or via teleconference.
	Planning Commission	Meetings suspended.
	Planning & Development	In-person services suspended. Essential services only.
Solano County	Board of Supervisors	Meetings held via teleconference
	Planning Commission	Meetings cancelled.
Sonoma County	Board of Supervisors	Meetings held via teleconference
	Planning Commission	Meetings postponed.
	Permit & Resource Management	Offices closed. Applications submitted online. Staff available by phone and email.

Buchalter understands that this is uncharted territory and we remain committed to providing our clients with the most up-to-date information and advice regarding how COVID-19 will affect their businesses. If we can be of assistance and to discuss various options and specific situations, please feel free to contact any of the Buchalter Real Estate attorneys below.



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