



## MEMORANDUM

TO: BIA Member Companies

FROM: Avaly Scarpelli, Executive Director

DATE: March 26, 2020

RE: Stay Home, Stay Healthy Proclamation and Interpretative Guidance on Residential Building

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This document provides guidance on complying with Governor Jay Inslee's Construction Guidance Memorandum, issued March 25, 2020, which clarifies the scope of the March 23, 2020 Stay Home, Stay Healthy Proclamation.

In the Guidance Memorandum, the Governor clarified that "commercial and residential construction is not authorized under the Proclamation because construction is not considered to be an essential activity." The Governor provided limited exceptions to this order for circumstances that construction may be allowed, including:

- (a) Construction related to essential activities as described in the order;
- (b) To further a public purpose related to a public entity or governmental function or facility, including but not limited to publicly financed low-income housing; or
- (c) To prevent spoliation and avoid damage or unsafe conditions, and address emergency repairs at both non-essential businesses and residential structures.

In accordance with the Guidance Memorandum, BIA recommends:

- **Printing a color copy of the three pertinent documents (attached) and keeping copies at each individual work site.**
- **Immediately doing an inventory of each project against the order and clarification document to determine what minimally necessary must be done to "prevent spoliation and avoid damage or unsafe conditions."**
- **Document the project items and activities needed to complete them to get the structure to what is minimally necessary to which no further risk of damage or unsafe condition exists to real property improvements.**
- **Keep this inventory document on site to refer to if approached by enforcement officials**
- **Proceed as quickly as possible to complete the necessary items to the point which no further of risk damage or unsafe condition exists.**
- **Continue to follow all the protocols of social distancing, cleaning, etc as prescribed by State order and CDC recommendations.**



Please refer to the attached legal memorandum for further explanation.

As you proceed please keep these three items in mind:

1. You need to be able to justify how what you are doing fits within the allowable exemptions; the red face test
2. You do not want to be a frontpage headline as the business that is defying the order while everyone else is staying home to protect our community
3. We will need to work with the governor's office to get these restrictions relaxed if this order is extended, so we must act very carefully and responsibly.

This memo only serves as guidance and each company must work with their legal counsel to determine applicability for their projects and processes.

For questions, suggestions or concerns please contact Ryan Makinster, Government Affairs Director at [ryan@biaofclarkcounty.org](mailto:ryan@biaofclarkcounty.org) or 360.727.1643.