

March 30, 2020

The Honorable London Breed  
Mayor, City and County of San Francisco  
City Hall, Room 200  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

The Honorable Libby Schaaf  
Mayor, City of Oakland  
1 Frank H Ogawa Plaza  
Oakland, CA 94612

The Honorable Sam Liccardo  
Mayor, City of San Jose  
200 E Santa Clara Street  
San Jose, CA 95113

The Honorable Candace Andersen  
Contra Costa County Board of Supervisors  
309 Diablo Road  
Danville, CA 94526

The Honorable Cindy Chavez  
Santa Clara Board of Supervisors  
70 West Hedding Street, 10<sup>th</sup> Floor  
329 San Jose, CA 95110

The Honorable Katie Rice  
Marin County Board of Supervisors  
3501 Civic Center Drive, Suite  
San Rafael, CA 94903

The Honorable Warren Slocum  
San Mateo County Board of Supervisors  
400 County Center  
Redwood City, CA 94063

The Honorable Richard Valle  
Alameda County Board of Supervisors  
1221 Oak Street, # 536  
Oakland, CA 94612

The Honorable Norman Yee  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

SENT VIA E-MAIL

**Re: Construction as an “Essential” Service**

Dear Mayor Breed, Mayor Liccardo, Mayor Schaaf, Supervisor Andersen, Supervisor Chavez, Supervisor Rice, Supervisor Slocum, Supervisor Valle and Supervisor Yee:

First and foremost, we wish you, your families and your constituents well in this time of crisis. These are unprecedented times but we are confident we have the resolve as a region to overcome whatever challenges come our way.

We would also like to thank you for your leadership in taking prompt and decisive action to protect our region from this pandemic. We applaud our political and civic leaders and our residents, who have taken this threat seriously and are taking the necessary actions to prevent its rapid spread thereby reducing the impacts on our healthcare system that are sure to come. We affirm that the safety of workers and their families is of paramount importance. For those workers engaged in essential activities, including construction, contractors and jobsite safety personnel should take the steps recommended by our public health officials to increase hygiene on the jobsite.

As you know, 48 hours after the six Bay Area Counties issued their order, Governor Gavin Newsom followed your lead and issued a similar statewide order. All State residents who are not engaged in an essential activity or employed by an essential industry have been ordered to stay at home and practice social isolation, safe distancing and strict handwashing and other protective protocols. We believe this is the correct course of action and fully support the order.

We are writing to you with an urgent request. As you know there are some differences between the Governor’s order and those issued by the Counties, most notably relating to construction. The Governor has deemed certain activities as essential and exempt such as [“construction, including housing construction.”](#) Making progress on growing California's housing stock – particularly affordable housing – is critical to continue in order to make our state a more affordable and equitable place to live. As you well know, we have already been in an extraordinarily acute housing shortage, and access to housing that is affordable will be needed now more than ever.

The county orders have designated residential construction, and the construction of “essential” non-residential projects as exempt services during the “shelter in place” order. However, this is creating great confusion in the industry and contractors are erring on the side of caution and stopping work. We have heard for example that commercial projects that are part of mixed-use residential developments and essential to ensuring the feasibility of the whole project, are being stopped, and sometimes left in seismically unsafe conditions. Other critical infrastructure projects which definitely fall into the “essential” definition by any objective measure are being stopped because of the confusion over which standard applies.

A large number of California construction businesses operate in many different counties or span the entire state so the need for consistency in supply chain operations is

critical. Staff in all of our cities have been very responsive and helpful, but this problem cannot be resolved on a case by case basis, with every construction project having to seek clarity and a written clearance from a City Attorney to proceed. The obvious and cleanest solution would be for all six counties to adopt the State standard and allow all construction projects to proceed.

We acknowledge social distancing is required to stem the spread of the coronavirus. Most construction and development operations can proceed while adhering to CDC recommendations to prevent spread of the coronavirus, and we support our workers to continue construction services given that they are healthy, safe, and following public health best practice. We encourage the following measures consistent with the Health Department to prevent the spread of the COVID-19 virus, including but not limited to:

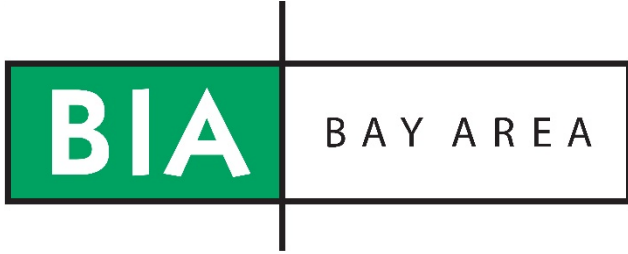
- Post recommended safety precautions on-site and in construction trailer.
- Require all personnel to stay 6 feet or more away from others.
- Suspend all field meetings to prevent gatherings of personnel.
- Require all personnel to bring their lunch in and eat at their workstation.
- Prohibit the sharing of phones, desk, offices, work tools & equipment, supplies, and PPE.
- Have cleaning/laborer force perform additional cleaning of common area/use items daily.
- Limit the number of personnel, in addition to the operator, on each construction hoist at a time. All personnel are encouraged to use the stairs.
- Supplement hand wash stations and hand sanitizer dispensers at each building and around the site.
- Require mitigative hygiene from all personnel including washing hands, using hand sanitizer, and disinfecting surfaces.
  - Wash hands with soap and water for at least 20 seconds as frequently as possible.
  - Cover coughs or sneezes into the sleeve or elbow, not hands.
  - Avoid touching eyes, nose, and mouth with unwashed hands.
  - Clean and disinfect surfaces that are touched regularly.
- Send personnel home with flu-like symptoms. Personnel must stay home if sick.
- Infected or potentially infected personnel are required to remain home for a minimum of two weeks and are eligible to return to work only with a doctor's authorization.

We, the undersigned, urge you to act quickly otherwise we risk shutting down dozens of projects that will be necessary to our very life support system as a region in the coming months and years.

Sincerely,

Bay Area Council  
Santa Clara Valley Chapter NECA  
NorCal NECA  
United Contractors  
North Bay Leadership Council  
Habitat for Humanity East Bay/Silicon Valley  
SPUR (San Francisco Bay Area Planning and Urban Research Association)  
Marin Builders Association  
CA Sheet Metal and Air Conditioning Contractors' National Association  
Santa Rosa Metro Chamber of Commerce  
Bay Area Housing Advocacy Coalition  
San Francisco Housing Action Coalition  
BIA|Bay Area  
Redwood City-San Mateo County Chamber of Commerce  
Silicon Valley Leadership Group  
The Silicon Valley Organization (the SVO)  
Innovation Tri-Valley Leadership Group  
SAMCEDA  
Housing Leadership Council of San Mateo County  
Seaport Industrial Association  
YIMBY Action  
Oakland Chamber of Commerce





BUILDING INDUSTRY ASSOCIATION



HOUSING  
LEADERSHIP  
COUNCIL



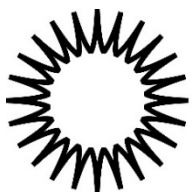
SAMCEDA  
San Mateo County Economic Development Association



San Francisco  
HOUSING  
ACTION  
COALITION



CHAMBER  
REDWOOD CITY  
SAN MATEO COUNTY



SPUR



