



March 2020

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Details of Illinois COVID-19 Shelter in Place Order

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On account of the outbreak of COVID-19, Illinois Governor JB Pritzker has issued Executive Order 2020-10 as a “Shelter in Place” order for the State of Illinois (the “[Executive Order](#)”). **This Executive Order went into effect at 5:00 p.m. on Saturday, March 21, 2020, and continues through April 30, 2020, unless further extended.**

Generally, the Executive Order mandates that all individuals currently living within the State of Illinois stay at home, all businesses and operations in the State cease, all public and private gatherings outside a single household or in excess of ten (10) people stop, and all travel halt—**except for certain permitted exceptions described in the Executive Order.**

These exceptions are: (1) the homeless, (2) individuals working from home, (3) non-exempt businesses maintaining “minimum basic operations,” and (4) individuals leaving their homes for (a) Essential Activities, (b) Healthcare and Public Health Operations, (c) Human Services Operations, (d) Essential Travel, (e) Essential Infrastructure, (f) Essential Governmental Functions, and (g) Essential Businesses and Operations.

These exempt categories are described as follows:

Minimum Basic Operations

- It is important to note that even if a business does not meet one of the exempt categories described below, that **the Executive Order permits all businesses to continue operations for the purpose of maintaining “minimum basic operations,”** which are described as the minimum necessary activities to maintain the inventory, equipment, and properties of the company, as well as to ensure security, process payroll and employee benefits, and facilitate employees working from home.

Essential Activities:

- Performing tasks essential to an individual’s or their household member’s health and safety (e.g., obtaining medication)
- Taking care of others
- Seeking necessary services or supplies (e.g., groceries)



- Engaging in outdoor activity (e.g., biking, but note that playground use is expressly prohibited)

Healthcare and Public Health Operations:

- Working for or seeking services from hospitals and other healthcare providers
- Working for a manufacturer of medical products and/or cleaning products
- Working for or seeking veterinary care
- Note: gyms, spas, salons, barber shops, tattoo parlors, and similar facilities are expressly not exempted from closing

Human Services Operations:

- Working for or seeking services from certain “human services” providers (e.g., long term care facilities, the Illinois Department of Human Services, certain day care centers, and mental health facilities)

Essential Infrastructure:

- Providing any services or performing any work necessary to offer, provision, operate, maintain, and repair essential infrastructure (e.g., food production/distribution/sale, construction (including, but not limited to, construction required in response to this public health emergency hospital construction, construction of long-term care facilities, public works construction, and housing construction), building management and maintenance, distribution centers, oil refining, waste and recycle collection and removal, airport operations, utility operations, roadway work, public transportation work, and cybersecurity)
- “Essential Infrastructure” is to be construed broadly

Essential Governmental Functions:

- Performing any State, county, township and local governmental functions (e.g., emergency management personnel, law enforcement, court personnel, child protection services, and military)
- Performing any federal governmental functions
- “Essential Governmental Functions” includes all employees and contractors performing such services as identified by the applicable governmental body

Essential Businesses and Operations:

- Working for or seeking services from:
 - All of the types of operations and businesses described above
 - Grocery stores, markets, and convenience stores
 - Pharmacies
 - Food, beverage and cannabis manufacturing, production, processing, and cultivation



- Religious and secular nonprofit organizations
- Media businesses
- Gas stations and businesses needed for transportation (e.g., repair shops)
- Financial institutions, including banks and title insurance companies
- Hardware and supply stores
- Trade businesses (e.g., plumbers, electricians, painters, exterminators, janitors, movers, and sanitation workers)
- Post offices
- Shipping and delivery services
- Educational institutions (except to the extent closed by other Executive Orders, which IL schools were closed through April 7)
- Hotels and motels to the extent used for lodging and delivery or carry-out food services
- Laundromats and dry cleaners
- Restaurants for consumption off-premises
- Suppliers of products needed to facilitate individuals working from home (e.g., Staples, etc.)
- Transportation providers (e.g., taxis, airlines, Uber, Lyft, etc.)
- Home-based care providers (e.g., nannies, nurses, etc.)
- Residential facilities and shelters
- Professional service providers (e.g., lawyers, accountants, appraisers, title insurance providers, and insurance providers)
- Labor union essential activities
- Funeral service providers and related services
- Certain day care centers for children of exempt individuals under the Executive Order
- Suppliers, distributors, sellers, and manufacturers of any of the above Essential Businesses and Operations

Essential Travel:

- Travel for any of the aforementioned exemptions (including maintaining “minimum basic operations”)



- Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons
- Travel to educational institutions for receiving materials for long-distance learning or receiving meals for consumption off-premises
- Travel to return to a place of residence
- Travel required by law or court order

Whenever an individual is out of their home for any of the above reasons, that individual must maintain social distancing of at least six (6) feet and take other sanitary precautions, such as refraining from shaking hands, covering coughs and sneezes, and washing hands for at least twenty (20) seconds.

All businesses described as exempt above, and all businesses operating to maintain “minimum basic operations,” must take proactive measures to ensure compliance with social distancing measures and other sanitary measures to prevent the spread of COVID-19, including (a) designating with signage the six (6) foot social distancing requirement, (b) having hand sanitizing products available, (c) implementing separate operating hours for elderly and vulnerable customers, and (d) posting online whether a facility is open and how to best contact the facility.

The Executive Order also instructs all state, county, and local law enforcement officers to cease enforcement of all orders of eviction for *residential* premises for the duration of the State of Illinois’s Disaster Proclamation (currently expiring April 30, 2020). However, the Executive Order provides that it shall not be construed to relieve any individual of the obligation to pay rent, make mortgage payments, or to comply with any other obligation that an individual may have under a tenancy or mortgage.

Finally, the Executive Order provides that it shall not act to alter or modify in any way any existing legal authority allowing a county or municipality to enact provisions that are stricter than those set forth in the Executive Order.

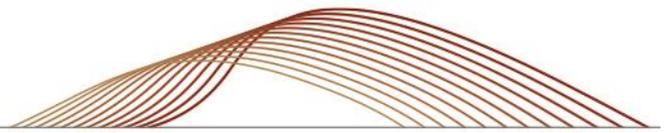
It is important to note that this situation is constantly evolving and the government’s restrictions on particular businesses is being refined on a daily basis. Accordingly, we recommend that our clients discuss their particular case with their Paul Hastings attorneys in order to determine the best path forward.

UPDATED April 1, 2020.



If you have any questions concerning these developing issues, please do not hesitate to contact any of the following Paul Hastings lawyers:

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