



RADNOR TOWNSHIP
301 IVEN AVENUE
WAYNE, PENNSYLVANIA 19087-5297

Phone (610) 688-5600
Fax (610) 688-1279
www.radnor.com

DATE April 2, 2020
 TO Radnor Township Community Development Department
 FROM Office of Emergency Management | Sgt. Chris Gluck, EOC Commander
 RE **Radnor Township Protocol to Construction and Building Inspections**
 CC John Rice, William White, Kevin Kochanski, Andy Pancoast

In recent days, the Township Building Department has been inundated with calls from local contractors asking the Township for direction on the State’s Shutdown Order. This memorandum is meant to provide guidance to the Contractors on the Township’s position, as it stands today.

First, it is critical to understand that this is the *State’s order*. Radnor Township has no input or authority to interpret, override, or circumvent the State’s order. We understand that there are particular circumstances where the State’s order is vague or could cause a hardship, but only *the State* has the authority to provide clarity to those Contractors. Finally, please know that this is not a case of the Township passing the buck, or intentionally working against contractors and the important work they are trying to accomplish. Instead, it’s a matter of fact in terms of authority.

As it currently stands, the Governor’s summary of Life-Sustaining Business presents construction as follows (noting that the column stating “no” is titled, “May Continue Physical Operations”):

Construction of Buildings	Residential Building Construction	2361	No	Except emergency repairs permitted
	Nonresidential Building Construction	2362	No	Except emergency repairs and construction of health care facilities permitted
Heavy and Civil Engineering Construction	Utility Subsystem Construction	2371	No	Except emergency repairs permitted
	Land Subdivision	2372	No	
	Highway, Street, and Bridge Construction	2373	No	Except emergency repairs permitted
	Other Heavy and Civil Engineering Construction	2379	No	Except emergency repairs permitted
Specialty Trade Contractors	Foundation, Structure, and Building Exterior Contractors	2381	No	Except emergency repairs permitted
	Building Equipment Contractors	2382	No	Except emergency repairs permitted
	Building Finishing Contractors	2383	No	Except emergency repairs permitted
	Other Specialty Trade Contractors	2389	No	Except emergency repairs permitted

Further, in a clarification letter issued by the Governor’s office dated March 31, 2020, it states

“By Executive Order dated March 19, 2020, and pursuant to powers granted to us by law, we ordered that no person or entity shall operate a place of business that is not a life-sustaining business, regardless of whether the business is open to members of the public. These orders (the “COVID-19 Orders”) are necessary to stop the spread of the novel coronavirus COVID-19.”

The letter goes on to provide additional guidance regarding those residential projects that are partially complete by saying [emphasis added],

“In response to repeated inquiries, we are clarifying the extent to which you may continue operations. Specifically, residential construction projects that are substantially complete may continue to completion. Projects that are “substantially completed” are those projects that have been issued a final occupancy permit. For all other residential construction projects limited activities may continue to the extent necessary to stabilize the site, temporarily prevent weather damage, or make emergency repairs only.

Date: April 2, 2020

Emergency repairs, limited to performing those tasks necessary to provide repair services to customers, may continue. No new construction or non-emergency rehabilitation or remodeling may be performed.

Finally, under the DCED's Frequently Asked Questions section as it pertains to those contractors that received an approved waiver, the State says the following with regard to construction:

17. I am a contractor engaging in emergency repairs who received an exemption or was told that I do not require an exemption. May I perform non-essential work?

Your exemption, or general authority to conduct emergency repairs, is limited to performing those tasks necessary to provide repair services to customers. No new construction or non-emergency rehabilitation or remodeling may be performed

Having reviewed the facts of the situation, the Radnor Township Community Development Department will adhere to the State's Order as follows:

- Will continue to conduct inspections on sites that qualify as essential under the Governor's Essential Life-Sustaining Business listing, including emergency repairs, provided that the inspection can be done while adhering to the strictest guidelines of social distancing and other measures needed to protect the inspector and the owner from the spread of the virus. Note that "emergency" does not include the completion of mid-stream residential remodeling projects, in compliance with the Governor's Order.
- Will continue to conduct inspections on sites where contractors received a specific waiver from the Department of Community and Economic Development ("DCED") provided that (a) the contractor provides the Township with their waiver application and approved waiver, (b) that the work being inspected complies specifically to the work allowed under the waiver, and (c) that the inspection can be done while adhering to the strictest guidelines of social distancing and other measures needed to protect the inspector and the owner from the spread of the virus. Please note that the deadline to file for exemptions with DCED is April 3, 2020 @ 5:00 PM.
- Will not conduct on-site inspections for any non-essential construction work since, as noted above, construction in general is not listed as an essential life-sustaining business as defined by the Governor.
- Will not conduct on-site inspections for any construction work that does not have a specific waiver received from the Department of Community and Economic Development (DCED).

We understand that this is a difficult time and that contractors and owners alike desire their projects to continue. However, Radnor Township cannot explicitly violate the Governor's Order by permitting non-essential work to continue or by implicitly allowing non-essential work by offering to inspect those jobs.

We will continue to monitor the Governor's Order and the DCED for changes and additional guidance. In the event that the facts of the matter change, we will change this protocol accordingly provided that, under any circumstance, that the safety of the Resident, Contractor and Inspector are all made priority and that the strictest adherence to social distancing guidelines are followed.