

## Philadelphia Issues ‘Stay at Home’ Order, Raising Further Questions for Business

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Philadelphia Mayor Jim Kenney has issued a [“Stay at Home” Order](#), directing residents to remain home, unless working for an “essential” business or engaging in “essential” personal activity.

The new restrictions, effective March 23, 2020, at 8:00 a.m., expand the Mayor’s March 16 directive on closures of non-essential businesses. They also supplement the [statewide restrictions](#) imposed by Governor Tom Wolf, which also took effect on [March 23 at 8:00 a.m.](#)

### Non-Essential Businesses Prohibited

The Order expressly prohibits the operation of all non-essential places of business. However, virtual or remote operations (*i.e.*, working from home) are permitted. Businesses deemed “essential” may continue operations, but workers must observe appropriate social distancing rules.

“Essential Businesses” include all “Life-Sustaining Businesses” identified by Governor Wolf in his most recent [statewide order](#).

The Order explains that “Essential Retail Businesses and Activities” include the following:

- Grocery stores, including supermarkets, farmers’ markets, convenience stores, and mini-markets;
- Food services, or restaurants limited to providing delivery service or pre-ordering online or by phone (strictly prohibited are walk-in ordering, dine-in service, and mobile food vendors, such as food trucks);
- Automotive parts, accessories, and tire stores;
- Gas stations, including their convenience stores;
- Building material and supplies dealers, including hardware stores, but not lawn and garden stores;
- Electronic shopping and mail-order houses, means establishments primarily engaged in retailing all types of merchandise using non-store means;
- “Other General Merchandise Stores,” except department stores, including hardware stores supplying life-sustaining electrical, plumbing, heating, automotive parts, and other life-sustaining materials; and pharmacies, drug stores, and retailers of prescription or nonprescription drugs, medicines, and essential healthcare products;
- Personal household goods repair and maintenance;
- Home healthcare services (which does *not* include with child daycare facilities)
- Postal service and couriers and messengers,” includes post offices, local messengers and local delivery, shipping and freight services, and package delivery companies that deliver packages to residential buildings and offices;
- Dry-cleaning and laundry services;
- Consumer banks and credit unions using drive-through, ATM, and limited lobby services;
- Veterinary hospitals and services, and pet stores;
- Rooming and boarding houses, including hotels;
- Clothing stores that only or primarily sell essential uniforms and apparel for medical/healthcare professionals and public safety workers;
- Automotive equipment rental and leasing; and
- Building services primarily engaged in exterminating and controlling birds, mosquitoes, rodents, termites, and other insects and pests.

Medical- and healthcare-related services may continue operations.

Limited “essential educational functions,” which include meal preparation for elementary and secondary school children and the operation of college residence halls, may continue.

Essential infrastructure and industrial businesses are also permitted to continue. Such businesses and activities include construction of medical facilities, emergency residential repairs, passenger

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transportation, waste management, media activities, telecommunications, and certain manufacturing activities as outlined in Governor Wolf's Order.

Mayor Kenney's Order does not prohibit the delivery of food or essential goods. Employees, such as truck drivers, who participate in the supply chain for food and other essential goods are permitted to complete such deliveries, provided they practice appropriate social distancing and mitigation efforts outlined by the Centers for Disease Control and Prevention (CDC).

Significantly, childcare facilities are deemed to be non-essential businesses, unless granted a waiver to operate from the Commonwealth or the City of Philadelphia.

### Personal Activities Prohibited

The Order also prohibits all public and private gatherings of any number of people occurring outside a single household or living unit. This prohibition does not apply to activities related to "Essential Businesses and Activities" or "Essential Personal Activities," as defined in the Order. Permitted personal activities include the purchase of essential goods and food or seeking medical attention.

Other permitted activities under the new Stay at Home Order include caring for family members, friends, or a pet in another household, delivering essential goods, obtaining emergency services and attention, and reporting to jobs related to essential businesses.

Walking, running, cycling, or engaging in outdoor activities remain permissible, provided social distancing practices are maintained.

The Order will remain in effect indefinitely. Businesses that fail to comply could be subject to "orders to cease operations and the imposition of such other remedies and penalties as provided by law."

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COVID-19 will have immediate and long-lasting effects on business across Pennsylvania and beyond. The situation remains fluid with constant changes. Please contact a Jackson Lewis attorney and the dedicated [COVID-19 Task Force](#) with any questions.

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