

LEGISLATIVE ALERT: STATE GRANTS REQUEST FOR "ESSENTIAL BUSINESS" STATUS

PretiFlaherty

March 25, 2020

Under the Governor's COVID-19 Executive Order issued yesterday (3/24/20), businesses not initially identified as "essential," and therefore unable to continue operations, have the opportunity to request being re-classified as essential. One of the first requests granted this morning by the Department of Economic and Community development was on our client's behalf for the real estate industry.

The Governor's Executive Order mandated "non-essential" businesses close their facilities to workers and customers between 12 am today and 12 am on April 8th. Any business not listed as "essential" under the Order is deemed "non-essential" and some businesses, those that are predominantly customer facing such as salons, are specifically listed as "non-essential." However, the Order includes some vague terms such as "business, professional...services." The ambiguity of that language appears to be intentional because it provides a platform for interpretation to be utilized by the [appeal process at DECD](#).

Should you have questions about compliance with this Executive Order, whether your business is "essential" under the Order, or how to request to have your business be designated as "essential," please reach out to us.

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